

EXHIBIT A

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ARIZONA SUPERIOR COURT
COCHISE COUNTY

TREVER FRODSHAM, by and through
conservator, Fleming and Curti, PLC;

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY SERVICES
OF SOUTHERN AIZONA, INC., an
Arizona non-profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN, LLP,
an Arizona limited liability partnership;
CATHOLIC CHARITIES COMMUNITY
SERVICES, INC., an Arizona corporation;
THE DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCED
BEHAVIORAL HEALTH and
DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA, a
Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an individual;
JANE and JOHN ROES 1-50, individuals;
and ROE CORPORATIONS 1-50, entities
of form unknown;

Defendants.

CASE NO.:

COMPLAINT FOR:

- (1) Negligence,**
- (2) Negligence *Per Se*,**
- (3) Gross/Aggravated Negligence
(Willful and Wanton Conduct),**
- (4) *Respondeat Superior*/Vicarious
Liability/Agency,**
- (5) Negligent Hiring/Retention
/Supervision,**
- (6) Assault and Battery,**
- (7) Aggravated Assault and Battery,**
- (8) Intentional Infliction of Emotional
Distress,**
- (9) Vicarious Liability,**
- (10) Ratification,**
- (11) Violations of the Arizona
Constitution,**
- (12) Breach of Fiduciary Duty,**
- (13) Violations of Constitutional Rights
under 42 U.S.C. § 1983,**
- (14) Punitive Damages,**

(Tort—Non-Vehicle Non-Death Injuries)

(Tier 3)

1 Plaintiff Trever Frodsham ("Plaintiff"), by and through undersigned counsel, for
 2 this Complaint against Defendants, alleges:

3 **PARTIES, JURISDICTION, AND VENUE**

4 1. Plaintiff Trever Frodsham ("Plaintiff") is 19 years old and a resident of
 5 Cochise County, Arizona.

6 2. Plaintiff was born on July 11, 2002, and, at age one (1), the State of
 7 Arizona removed him from his biological mother's home and placed him in the foster
 8 care system as a ward under the care, custody, and supervision of the State of Arizona.

9 3. In or around February 2004, the State of Arizona placed Plaintiff in the
 10 home of Defendant David Frodsham ("David" or "DF") and Defendant Barbara
 11 Frodsham ("Barbara" or "BF") (collectively "the Frodshams"), as a foster child.
 12 Approximately eight (8) years passed before the Frodshams eventually adopted Plaintiff.
 13 Upon information and belief, Defendant Barbara Frodsham resides in Cochise County,
 14 Arizona. In 2016, David Frodsham was charged with the sexual exploitation of Plaintiff's
 15 brother. *See David Frodsham Pre-Sentencing Report*, attached as **Exhibit A**. He is
 16 serving 17 years in prison in Arizona State Prison in Mohave County, Arizona.

17 4. Defendant State of Arizona is headquartered in Maricopa County, Arizona.
 18 Defendant State of Arizona ("State") seeks to fulfill its statutory obligations to Arizona's
 19 foster youth through a variety of State agencies and departments, all of which are State-
 20 managed government agencies (and under the State's control), including at relevant
 21 times: Department of Child Safety ("DCS"), formerly Child Protective Services ("CPS");
 22 Department of Economic Security ("DES"); Division of Children, Youth and Families
 23 ("DCYF"); and Office of Licensing, Certification and Regulation ("OCLR"), formerly
 24 Office of Licensing and Regulation ("OLR"); (collectively the "State" or "DCS").

25 5. All agencies and/or departments named in Paragraph 4, *supra*, are non-jural
 26 entities, and the State is legally responsible for their acts and/or omissions, including the
 27 acts and omissions of the employees, agents, partners, principals, servants, contractors,
 28 joint venturers, volunteers and/or representatives of each, individually and collectively.
 At all times relevant, the State ratified all acts and/or omissions complained of herein.

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1 6. In addition to the management of its own agencies and departments, the
2 State also contracts with private agencies (collectively the “Agencies” or “Licensing
3 Agencies”) and/or affiliated individuals to assist in performing its legal obligations for
4 the care, safety, security, and/or furthering the best interests of the State’s wards.

5 7. Defendant Catholic Community Services of Southern Arizona, Inc.
6 (“CCS”) is an Arizona non-profit corporation with a principal place of business in Pima
7 County, Arizona. CCS is one of the Licensing Agencies with which the State contracted
8 to assist in performing the State’s legal nondelegable duties to Plaintiff. CCS negligently
9 and grossly negligently monitored the foster license assessment and foster placement of
10 Plaintiff and other children with the Frodshams. CCS negligently and grossly negligently
11 assembled, approved, and submitted Barbara and David’s application to foster Plaintiff.
12 CCS negligently and grossly negligently hired, trained, supervised, and/or educated its
13 staff to fulfill its duties of care to Plaintiff. CCS negligently and grossly negligently
14 monitored Plaintiff’s placement (and adoption) by Barbara and David Frodsham.

15 8. Defendant Arizona Partnership for Children, LLP (“AZPAC”) is an
16 Arizona limited liability partnership with a principal place of business in Maricopa
17 County, Arizona. AZPAC’s alleged purpose is to “provid[e] full integration of child
18 welfare and behavioral health services including case management on a statewide basis,
19 by direct service or subcontract, and for such other law business as the Partners may
20 agree from time to time.” In or around 1997, upon information and belief, multiple
21 corporations developed a general partnership, AZPAC, so that various entities could
22 work together, rather than compete against each other, when contracting to provide child
23 welfare services across Arizona. By the time of Plaintiff’s placement and abuse, upon
24 information and belief, AZPAC consisted of three corporations with equal interests in the
25 partnership: Catholic Charities Community Services, Inc. (“Catholic Charities”), The
26 Devereux Foundation (“Devereux”), and Catholic Community Services of Southern
27 Arizona, Inc. (“CCS”). Upon information and belief, the three corporations co-mingled
28 their finances within AZPAC. AZPAC is jointly liable for the conduct of its partner
organizations, including but not limited to Defendant CCS, which directly licensed and
monitored the Frodshams and placed Plaintiff in the Frodsham’s care and custody,

1 negligently and grossly negligently. AZPAC is one of the Licensing Agencies with
2 which the State contracted to assist in performing the State's legal nondelegable duties to
3 Plaintiff. AZPAC facilitated Plaintiff's placement with Barbara and David Frodsham,
4 resulting in Plaintiff's years of abuse as a result of its negligence and gross negligence.

5 9. Defendant The Devereux Foundation (d/b/a The Devereux Foundation and
6 Devereux Advanced Behavioral Health Arizona) ("Devereux") is a Pennsylvania
7 nonprofit corporation with a principal place of business in Delaware County,
8 Pennsylvania. At all times relevant, upon information and belief, Devereux was legally
9 responsible as a partner for the acts and/or omissions of CCS, AZPAC, and Catholic
10 Charities, either by supervising actions surrounding Plaintiff's foster care placement,
11 ratifying the acts and/or omissions of its partners, and/or by its direct involvement in the
12 provision of child welfare services affecting Plaintiff.

13 10. Defendant Catholic Charities Community Services, Inc. ("Catholic
14 Charities") is an Arizona corporation with a principal place of business in Maricopa
15 County, Arizona. Catholic Charities' alleged purpose is, in part, to "help[] find loving
16 homes by facilitating adoption of children currently in foster care, assisting families with
17 licensing and training, special homes for children with medical needs and children
18 separated from their parents and families." At all times relevant, upon information and
19 belief, Catholic Charities was legally responsible as a partner for the acts and/or
20 omissions of CCS, AZPAC, and Devereux, either by supervising actions surrounding
21 Plaintiff's foster care placement, ratifying the acts and/or omissions of its partners, and/or
22 by its direct involvement in the provision of child welfare services affecting Plaintiff.

23 11. Roe Corporations 1-50 are fictitious names of parties and/or entities
24 currently unknown to Plaintiff, including but not limited to Agencies and/or Licensing
25 Agencies, who assisted the State in performing its legal obligations for the care, safety,
26 security, and/or furthering the best interests of the State's wards, and whose negligence
27 and/or gross negligence caused Plaintiff harm. At such time as their names are
28 discovered, Plaintiff will amend this Complaint to state their true identities.

12. The Defendants identified in Paragraph 4-11, *supra*, are collectively
referred to as "Entity Defendants."

1 13. John and Jane Roes 1-50 are fictitious names of individuals, including
2 employees of the State and/or Licensing Agencies, currently unknown to Plaintiff, whose
3 negligence and gross negligence caused Plaintiff harm. At such time as their names are
4 discovered, Plaintiff will amend this Complaint to state their true identities.

5 14. Entity Defendants, including but not limit to Defendants State, AZPAC,
6 CCS, Devereux, and Catholic Charities, negligently and grossly negligently hired,
7 trained, and supervised their staff when fulfilling their duties to Plaintiff.

8 15. The individual named Defendants were acting within the course and scope
9 of their employment and/or agency relationship with the State at all relevant times, so as
10 to render the State liable for their conduct under agency law and/or duty law.

11 16. The State's legal obligations to its wards are non-delegable, and the State
12 is, therefore, legally responsible for the tortious and/or grossly negligent acts committed
13 by the agencies, as well as the tortious and grossly negligent acts committed by David
14 Frodsham and Barbara Frodsham, as the custodians in whom the State entrusted Plaintiff.

15 17. Once a child is removed from his/her biological family home and becomes
16 a ward of the State, the State and the Licensing Agencies have a duty and obligation to
17 ensure that each foster care placement is suitable and in the best interest of the child.

18 18. The State and its Licensing Agencies have an obligation to ensure that the
19 ward is being provided with reasonable care, is safe and protected from harm, and is
20 receiving proper and regular supervision, which means the State must conduct routine
21 foster home visits (to the proper standard of care) to confirm that the needs of each child
22 are met in accordance with the State's policies, procedures, rules, and/or regulations.

23 19. The State and each Defendant, individually and collectively, is legally
24 responsible for the intentional, reckless, negligent and grossly negligent acts/omissions
25 and resultant damages described herein.

26 20. Plaintiff asserts his claims against Defendants for violations of Plaintiff's
27 rights under Arizona law and the U.S. Constitution.

28 21. The Court has jurisdiction over the subject matter of this action, pursuant to
Article IV, § 14 of the Arizona Constitution and A.R.S. § 12-123.

 22. The Court has personal jurisdiction over the parties in this lawsuit.

23. Defendants caused acts or events to occur within Cochise County, Arizona, out which Plaintiff's claims arise.

24. Venue is proper in this Court pursuant to A.R.S. § 12-401.

25. With regard to various claims set forth below, Plaintiff has complied with the provisions of A.R.S. § 12-821.01 by filing a notice of claim against the above-named State Defendant. Due to the emotional, mental, and/or psychological injuries of Plaintiff resulting from Defendants' severe abuse, Plaintiff has been of "unsound mind," tolling the statute of limitations under A.R.S. § 12-502. 60 days have passed since Plaintiff served the State with his notice of claim. Thus, Plaintiff's notice of claim is deemed denied, and Plaintiff may proceed with the present causes of action against the State.

26. Given that discovery in this case has not yet commenced, this Complaint may need to be amended in the future to add additional facts, details, parties, and/or claims.

27. Pursuant to Ariz. R. Civ. P., Rule 8 and Rule 26.2, Plaintiff certifies this action under Tier 3, including for purposes of discovery.

FACTUAL ALLEGATIONS

28. The State of Arizona has, for years, been fully aware of the inadequate safety measures of Child Protective Services and, later, its successor organization—the Department of Child Safety ("DCS"). These inadequacies and chronic failure of the State of Arizona to protect its foster youths *directly resulted in* the creation of DCS. *See Governor Jan Brewer's Executive Order 2014-01*, attached as **Exhibit B**. Children taken by the State from problematic homes are the most vulnerable children in the State. These children, like Plaintiff, are willfully taken into the legal custody of the State, ostensibly to protect them from further abuse. However, these children often suffer even more abuse once in the "care" of the State. The historical pattern of the State's failure to protect the children in its care has been well-documented in the reports commission by the State, and it forms the basis underlying the present case.

A. Initial Foster Care Licensing.

29. At all times relevant, Defendants David Frodsham and Barbara Frodsham were a married couple that resided in Sierra Vista, Cochise County, Arizona.

1 30. In or around 2002, the Frodshams' biological teenage son befriended a new
2 classmate, Neal Taylor¹, who happened to be living in a group home and was a ward of
3 the State.

4 31. Not long after being introduced to Neal Taylor, the Frodshams decided to
5 become his foster parents and applied for a foster care license.

6 32. The State contracted with Licensing Agencies (including but not limited to:
7 AZPAC and, in particular, CCS), to assist the Frodshams in their foster care license
8 application and these Licensing Agencies (including but not limited to CCS) were tasked
9 with conducting home studies, following up on and investigating allegations of abuse and
10 neglect, and providing reports to the State regarding the status of the Frodshams' home.

11 33. As a Licensing Agency, the design of CCS, in particular, meant that CCS
12 only received compensation from the State if the State issued a foster license, thus
13 incentivizing the issuance of a foster license regardless of the fitness of the foster parents.

14 34. Based on information and belief, in or around August 2002—during the
15 initial licensing application process—the Frodshams' biological daughter, then
16 approximately 13 years old, reported to the Sierra Vista Police Department ("SVPD")
17 that her then approximately 16-year-old brother in the Frodsham home had forcibly
18 sexually assaulted her around 15 to 20 times over the course of several years.

19 35. After receiving the report, SVPD investigated these allegations, and based
20 on information and belief, the report concluded that incestual sexual abuse was occurring
21 in the Frodshams' home between the Frodshams' biological children.

22 36. Based on information and belief, SVPD's investigation report was available
23 to the State, its Licensing Agencies, and the Frodshams during the time in which the
24 Frodshams' foster care application had been submitted; at the time, the Frodshams' foster
25 care application, however, was still under review and not yet approved by the State.

26 ¹ Neal Taylor is alleged to be the first foster child victim that was sexually abused by
27 David Frodsham. On or around May 21, 2020, Neal Taylor filed a lawsuit in Cochise
28 County, Arizona, against the State and various licensing agencies. *See Neal Taylor v.*
 State of Arizona, et al., S0200CV202000242.

1 37. The State conducted its own superficial investigation into the SVPD report
2 of incestual sexual abuse; however, evidence shows this investigation was substandard
3 and incomplete and, because of this, resulted in an “unsubstantiated” finding by DCS.

4 38. Despite having information related to the report of incestual abuse, and in
5 addition to information revealing David and Barbara Frodsham falling short of the
6 applicable licensing requirements and/or despite an incomplete evaluation, the State
7 issued David and Barbara Frodsham a foster care license. This evaluation by the State
8 and its Licensing Agencies was superficial and substandard, overlooking numerous “red
9 flags” that, as a matter of State policy, demanded the State’s diligent investigation and
10 attention to ensure a child’s safety in a foster placement. For instance, the State and its
11 Licensing Agencies failed to identify that both David and Barbara Frodsham experienced
12 childhood sexual abuse of their own—a “red flag” the State is required to identify and
13 monitor for the protection of foster children. Barbara Frodsham even stated that, had she
14 *even been asked* about her own childhood sexual abuse, she would have openly discussed
15 it. The State’s failure to even *identify* “red flags” in the Frodsham home (must less,
16 address them) is without excuse, and at least one Licensing Agency, Defendant CCS, had
17 a financial incentive to ensure the Frodshams received a foster care license. On or around
18 October 22, 2002, the State approved David and Barbara Frodsham as foster parents.

19 39. The State and/or its Licensing Agencies knew and/or should have known
20 David Frodsham and Barbara Frodsham were a danger to Plaintiff and the other minor
21 children entrusted to their care and that the Frodshams were not suitable foster parents.

22 40. The State and its Agencies were negligent and grossly negligent in:
23 reviewing the Frodshams for eligibility in applying for a foster care license;
24 assisting/monitoring the Frodshams in applying for a foster care license and renewals of
25 their foster care license; and, ultimately, in placing Plaintiff in the Frodshams’ home.

26 **B. Plaintiff’s Placement with the Frodshams.**

27 41. Plaintiff Trever Frodsham, at age one (1), and his two brothers, were
28 removed from their biological mother’s care and placed in the foster care system,
rendering all three children wards of the State.

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1 42. Having removed Plaintiff from his family home, the State became legally
2 obligated to care for Plaintiff and provide him with a safe place to reside, whether in a
3 foster home, group home, or adoptive home.

4 43. Once Plaintiff was removed from his family home, the State had an
5 obligation to ensure that Plaintiff's placements were safe and secure; and that Plaintiff
6 would be free from abuse, neglect, and harm in each placement for which he resided and
7 received care.

8 44. In or around 2004, the State and its agencies placed Plaintiff and his two
9 brothers in the home and in the care of David and Barbara Frodsham, who, on or around
10 late fall 2011 formally adopted the three boys.

11 45. There was, however, no need to keep the boys in the home of David and
12 Barbara Frodsham, as Plaintiff's great-aunt and great-uncle in Iowa wanted to provide
13 the boys with a permanent and loving home following removal from their parents.
14 Plaintiff's great-aunt and great-uncle were even *avored as placement over the*
15 *Frodshams as a matter of law* under the Adoption and Safe Family Act of 1997, as
16 Plaintiff's blood relatives. However, if the State allowed Plaintiff to relocate to the State
17 of Iowa, then the State of Arizona—already strapped for funds in its foster program—
18 would lose state-specific federal funds to an out-of-state family, like Plaintiff's extended
19 relatives. *See* Title IV-E of the Social Security Act; *see also* 42 U.S.C. §§ 672, 673.

20 46. Allowing Plaintiff's extended relatives to take custody of Plaintiff and his
21 brothers would alienate one of Arizona's very willing foster care placements, making
22 the State's foster placements more difficult; Barbara and David Frodsham repeatedly
23 accepted foster children, generating revenue for both the Frodshams and the State.

24 47. Meanwhile, upon information and belief, Plaintiff's extended relatives in
25 Iowa called the boys regularly; sent birthday cards and gifts; and, as the process
26 dragged on, sent numerous letters to the Juvenile Court (without any response) asking
27 when they would be permitted to have the boys. They took foster parent classes,
28 renovated their home, and prepared to parent three young children (including Plaintiff)
as their own biological children were out of the home and away at college.

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48. Plaintiff had a chance to live with loving relatives in Iowa, but the State had a motive to block this placement, keeping money and funding in-state. Upon information and belief, Plaintiff's extended relatives in Iowa were actually *approved* for placement by the home study, although DCS never informed them they had been approved nor were Plaintiff's relatives provided a copy of the home study. Plaintiff's abusive foster placement could have ended as early as 2005—*eleven years* before law enforcement finally removed Plaintiff from the Frodsham horrors—meaning the Frodshams' foster care placement and eventual adoption of Plaintiff never needed to happen at all.

49. After living as a foster child with the Frodshams for roughly seven years, the Frodshams eventually adopted Plaintiff on or around late fall of 2011. Plaintiff Trever Frodsham was forced to endure relentless sexual, physical, mental, and emotional abuse for another *five years* until law enforcement rescued him on or around April 21, 2016.

C. Plaintiff's Life with the Frodshams Between 2004 and 2016.

50. To the best of Plaintiff's recollection, before or around age six (6), David Frodsham began sexually abusing him, which, when David Frodsham was home, would occur approximately two (2) or three (3) times a week and did not end until David's arrest in 2016, although Plaintiff's grooming began much earlier than his recalled abuse.

51. Plaintiff recalls that he was between the ages of approximately seven (7) and (10) when David Frodsham began trafficking him and subjecting Plaintiff to repeated sexual encounters with David Frodsham's various adult friends and/or acquaintances.

52. In addition to enduring sexual abuse himself, Plaintiff also witnessed David Frodsham sexually abusing other foster children, including Plaintiff's older brother.²

53. Barbara Frodsham would also watch David Frodsham sexually abuse Plaintiff and other foster children, possibly for her own voyeuristic sexual gratification, and that Barbara Frodsham took no steps to stop or report the sexual abuse she saw.

² Plaintiff's older brother, Ryan Frodsham, was sexually abused by David Frodsham and, on or around September 12, 2018, filed a lawsuit in Maricopa County, AZ (which, was transferred to Cochise County) against the State and Licensing Agencies. *See Frodsham v. State of Arizona, et al.*, S0200CV201900073.

1 54. In addition to the sexual abuse by David Frodsham and David Frodsham's
2 acquaintances and/or friends to whom David Frodsham trafficked Plaintiff, Barbara
3 Frodsham physically abused Plaintiff, both while a foster child and after his adoption.

4 55. Barbara and David Frodsham severely abused Plaintiff. Both David
5 Frodsham and Barbara Frodsham burned Plaintiff and his brothers with cigarettes.
6 Barbara routinely beat Plaintiff, including with belts, and blamed him for his own abuse.
7 Plaintiff was forced to witness his own brother's sexual abuse. Barbara repeatedly failed
8 to buy Plaintiff clothes and withheld meals, often to punish minor slights. Barbara
9 screamed at Plaintiff when he tried to protect himself or request food, beating him
10 viciously. Barbara liked displaying her power over Plaintiff, and she repeatedly bent
11 Plaintiff's finger back so forcibly that his joints cracked and swelled. Barbara would
12 respond to Plaintiff's cries for help with "stop crying, you're fine." As a result of this
13 abuse, Plaintiff feels he and his life have little meaning and that he has no voice.

14 56. The physical abuse Barbara Frodsham inflicted upon Plaintiff, and other
15 children, also included (but was not limited to): hair pulling; routine beatings with her
16 hands, brooms, belts, and/or other objects; throwing the foster children down the stairs;
17 locking the children inside of closets and outside the home (including during the heat of
18 summer); and forcing the children, including Plaintiff, to consume hot sauce.

19 57. Between in or around 2004 and 2016, various record reveal Plaintiff acting
20 out in ways consistent with enduring sexual and physical child abuse, including suicidal
21 writings, excessive and aggressive masturbation, and, in second grade and while at
22 school, Plaintiff was discovered engaging in sexually inappropriate behavior for his
23 age—clear "red flags" of childhood sexual and/or severe physical abuse.

24 58. Further documentation reveals that many of these incidents were reported
25 to the State but, like many other reported "red flags" regarding the Frodshams and issues
26 surrounding their foster/adoptive children, the State did not take these reports seriously.

27 59. Records show that reports about the Frodsham home revealed many
28 instances of physical abuse between 2002 and 2016 to the State and/or its Agencies.

 60. On April 21, 2016, David Frodsham was arrested as he "was unable to
provide a safe environment and failed to provide adequate supervision to the children

1 while engaging in a sexual relationship with this 16 [year old] son both in and out of the
2 home, as well as facilitating sexual engagements between his son and other men, which
3 put the children at unreasonable risk of harm from sexual exploitation, assault, physical
4 danger, and emotional harm. A joint investigation was conducted between DCS, OCWI,
5 Sierra Vista Police Department (DR#16-14197), and the Department of Homeland
6 Security which resulted in David being arrested for sexual conduct with a minor, sexual
7 exploitation of a minor, and molestation of a child regarding incidents that had occurred
8 both in and outside of the home.”

9 61. On or around August 30, 2016, David Frodsham pled guilty to multiple
10 counts of sexual conduct with a minor, Plaintiff’s brother. David Frodsham was
11 sentenced to 17 years in prison for these crimes.

12 62. Thereafter, despite DCS’s *own psychiatrist* documenting Barbara
13 Frodsham’s inability to provide adequate care and protection for her children and
14 showing signs of a personality disorder making her unfit to care for her children, the State
15 nonetheless returned Plaintiff to the custody of Barbara Frodsham.

16 63. Upon his return to Barbara Frodsham’s custody, Barbara Frodsham
17 continued her vicious physical abuse of Plaintiff.

18 **D. Failure to Adequately Hire, Train, and/or Supervise.**

19 64. Between in or around 2002 and 2016, the State had access to approximately
20 38 police reports involving children residing in the Frodshams’ home, many of which
21 included behaviors that could have been (or were) inferred by the employees of the State
22 and/or its Licensing Agencies as sexual and/or physical abuse “red flags” that required
23 immediate in-depth investigations.

24 65. Defendants, individually and collectively, were negligent and grossly
25 negligent in: investigating the Frodshams’ application to be foster parents, licensing the
26 Frodshams as foster parents, placing Plaintiff in the Frodshams’ home, investigating
27 repeated reports of abuse and neglect in the Frodshams’ home, monitoring and
28 supervising Plaintiff’s placement in the Frodshams’ home, in protecting Plaintiff by
removing him from that home, and in returning Plaintiff to Barbara Frodsham.

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1 71. Plaintiff will likely never be able to hold stable employment, maintain
2 stable relationships, or be able to operate normally in society due to the years of sexual
3 and physical abuse and neglect he endured at the hands of the Defendants.

4 72. As a result of the negligence and gross negligence of the Defendants in
5 failing to properly license, protect, place, investigate, supervise, and/or monitor the care
6 of Plaintiff in the Frodsham home, Plaintiff has suffered and will continue to suffer:

- 7 i. Emotional, psychological, and mental damages and resulting
8 emotional trauma;
- 9 ii. Physical pain;
- 10 iii. Mental anguish;
- 11 v. Hedonic damages and loss of enjoyment of life;
- 12 vi. Loss of earning capacity and lost opportunity; and
- 13 vii. Reasonable and necessary medical expenses.

14 **CLAIMS FOR RELIEF**

15 **COUNT I**

16 **Negligence**

17 **Against All Defendants**

18 73. Plaintiff repeats and incorporates by reference the allegations contained in
19 all paragraphs above as though fully set forth herein.

20 74. Defendants owed a duty of care to Plaintiff to ensure that Plaintiff's
21 placement in the Frodsham home was safe and secure, and Plaintiff would be free from
22 abuse, neglect, and harm in that home from when he was placed in foster care in or
23 around 2004, when removed from his biological home, until he turned 18 years old.

24 75. Defendants failed to exercise reasonable care with respect to the safety and
25 protection of Plaintiff beginning in the early 2000s, when he was removed from his
26 biological home and first placed into the home and care of Barbara and David Frodsham.

27 76. At all times relevant, Defendants failed to exercise reasonable care with
28 respect to the safety and protection of Plaintiff, because they knew or should have known
that the Frodsham home was unreasonably dangerous.

 77. Defendants breached their duty of care to Plaintiff by failing to properly
supervise the placement of Plaintiff in the Frodsham home; failing to provide and follow
proper policies to protect Plaintiff, including investigating, supervising, and evaluating

1 Plaintiff's complaints (and/or the complaints of others in the Frodsham home); failing to
 2 listen to and investigate the warnings about the Frodsham home's dangers; improperly
 3 licensing the Frodsham home; falling to adequately hire, train, and supervise
 4 Defendants' own staff, contractors, and/or placements, including Defendants David and
 5 Barbara Frodsham; and improperly returning Plaintiff to a home known to be dangerous.

6 78. As a direct and proximate result of Defendants' acts and omissions,
 7 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
 8 damages including the loss of enjoyment of life, and loss of earning capacity, in an
 9 amount to be determined by a jury at trial.

10 **COUNT II**
 11 **Negligence *Per Se***
 12 **Against All Defendants**

13 79. Plaintiff repeats and incorporates by reference the allegations contained in
 14 all paragraphs above as though fully set forth herein.

15 80. Defendants owed a duty of care to Plaintiff to ensure that the Frodsham
 16 home was safe and secure, ensuring that Plaintiff would be free from abuse, neglect, and
 17 harm in that home, and to take all reasonable precautions to avoid placing Plaintiff at an
 18 unreasonable risk of injury.

19 81. David and Barbara Frodsham breached their duties of care as Plaintiff's
 20 legal guardians by violating certain criminal/safety statutes, including but not limited to,
 21 A.R.S. §§ 13-1201 (Endangerment), -1202 (Threatening or Intimidating), -1203 (Assault
 22 and Battery), -1204 (Aggravated Assault and Battery), -1404 (Sexual Abuse), -1405
 23 (Sexual Conduct with a Minor), -1417 (Continuous Sexual Abuse of a Child), -3553
 24 (Sexual Exploitation of a Minor), -3558 (Admitting Minors to Public Displays of Sexual
 25 Conduct), -3601 and -3601.01 (Domestic Violence), -3601.02 (Aggravated Domestic
 26 Violence), -3619 (Permitting Life, Health, or Morals of Minor to Be Imperiled by Abuse
 27 or Neglect), -3620 (Duty to Report Abuse), and -3623 (Child Abuse).

28 82. At the time of reviewing, and after approving, the Frodshams' foster care
 license application in or around 2002 through the time of David Frodsham's arrest in
 April 2016 (as well as upon Plaintiff's return to Barbara Frodsham's care following

David Frodsham's arrest, despite a DCS psychiatrist noting her inability to care for or protect her children, where Barbara Frodsham thereafter continued to abuse Plaintiff), Defendants knew or should have known of the Frodshams' propensities to violate criminal and/or safety statutes, and such violations constitute negligence *per se*.

83. As a direct and proximate result of Defendants' acts and omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

COUNT III
Gross/Aggravated Negligence (Willful or Wanton Conduct)
Against All Defendants

84. Plaintiff repeats and incorporates by reference the allegations contained in all paragraphs above as though fully set forth herein.

85. Defendants engaged in willful or wanton conduct by their action and inaction and with reckless indifference to the rights or safety of Plaintiff, because Defendants knew or should have known that their action and/or inaction created an unreasonable risk of harm to Plaintiff, and that the risk to Plaintiff was so great it was highly probable that harm would result.

86. Beginning in or around 2004, when Plaintiff was placed in the Frodshams' care, through David Frodsham's arrest in April 2016, Defendants David Frodsham and Barbara Frodsham were grossly negligent and deliberately indifferent to Plaintiff by systematically physically, sexually, emotionally, and/or psychologically abusing him.

87. Beginning in or around 2002 through David Frodsham's arrest in April 2016 and following Plaintiff's return to Barbara Frodsham's care, Defendants were grossly negligent and deliberately indifferent in their policies and improper implementation of those policies by a widespread failure to conduct investigations of reports that children, including Plaintiff, had been abused and neglected while in State foster care custody, and by engaging in a pattern and practice of ignoring allegations of abuse and neglect of the children in their care, including Plaintiff. This included Defendants' reckless and/or deliberately indifferent return of Plaintiff to Barbara

1 Frodsham's home, following David Frodsham's arrest, despite DCS's own psychiatrist
 2 noting Barbara Frodsham's inability to care for or protect children. Following Plaintiff's
 3 return to Barbara Frodsham's care and home, Barbara Frodsham further abused Plaintiff.

4 88. As a direct and proximate result of Defendants' acts and/or omissions,
 5 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
 6 damages including the loss of enjoyment of life, and loss of earning capacity, in an
 7 amount to be determined by a jury at trial.

8 **COUNT IV**
 9 ***Respondeat Superior/Vicarious Liability/Agency***
 10 **Against Defendant State of Arizona**

11 89. Plaintiff repeats and incorporates by reference the allegations contained in
 12 all paragraphs above as though fully set forth herein.

13 90. An employer is responsible for the actions of its employees/agents if the
 14 employees/agents were acting within the scope of their employment and/or authority, and
 15 the employer is therefore liable for the foreseeable acts committed by an employee/agent
 16 acting within the scope of the employee's/agent's employment in furtherance of the
 17 employer's business. See *Puritt v Pavelin*, 141 Ariz. 195, 685 P.2d 1347 (1984). An
 18 employer is also responsible for the acts and/or omissions of an independent contractor, if
 19 the hiring of the independent contractor is, in and of itself, a dangerous selection.

20 91. At all times relevant, the negligent and grossly negligent and/or reckless
 21 acts or omissions of the State employees/agents (including the actions of Licensing
 22 Agencies and their employees/agents) were the types of actions employees, agents,
 23 principals, contractors, joint venturers, servants, and/or representatives of the State were
 24 authorized to perform within the course and scope of their employment, specifically to
 25 conform to a particular standard of care to protect Plaintiff against foreseeable and
 26 unreasonable risks of harm.

27 92. Those negligent and grossly negligent, and/or reckless acts and omissions
 28 occurred substantially within the time and space limits authorized by the State, and such
 acts or omissions were motivated by the purpose to further the State's obligations.

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93. At all times relevant, the State is also liable for its employees/agents that were acting *outside* of the course and scope of their employment. See *Schallock*, 189 Arz. At 262, 941 P.2d at 1287 (citing Restatement (Second) of Agency 219(2)(d)); *see also Nichols v. Frank*, 42 F.3d 503, 514 (9th Cir. 1994)).

94. At all times relevant, the State had a non-delegable duty to protect and ensure the safety of Plaintiff, who was entrusted into its care and custody at the time Plaintiff resided with the Frodshams, while the Frodshams were acting in their individual capacities as agents of the State in their roles as foster parents. The State was negligent and grossly negligent in providing supervision, care, and services to Plaintiff and failed to ensure the safety and protection of him.

95. At all times relevant, the State employees/agents (including the Licensing Agencies and their employees) engaged in the above-described misconduct with intent to serve their own interests by knowingly and consciously disregarding substantial risks that their conduct may significantly injure the rights of Plaintiff, and/or consciously pursued a course of conduct knowing it created a substantial risk of significant harm to him. The State knew or should have known about the dangers posed by these Licensing Agencies.

96. As a direct and proximate result of Defendants' acts and/or omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

COUNT V
Negligent Hiring/Retention/Supervision
Against Entity Defendants

97. Plaintiff repeats and incorporate by reference the allegations contained in all paragraphs above as though fully set forth herein.

98. Entity Defendants had access to police investigations dating back to around 2002 indicating sexual abuse occurring within the Frodshams' home, involving minors. Defendants had a duty to properly investigate all past and present reports of abuse within the applicants' home as part of the foster/adoptive parent licensing/monitoring process.

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1 99. Had Entity Defendants fulfilled their duty to properly investigate the first
2 report of sexual abuse around 2002, the Frodshams would never have been granted a
3 foster care license, and Plaintiff would have never been placed in their care in 2004.

4 100. Upon information and belief, as early as around 2002, Defendants knew
5 incestual sexual abuse occurred in the Frodshams' home and no reasonable and prudent
6 person or agency would allow or enable them to be foster and/or adoptive parents.

7 101. Upon information and belief, Defendants knew that Defendants David and
8 Barbara Frodsham were abusive parents and that no reasonable and prudent person or
9 agency would allow or enable them to be foster and/or adoptive parents.

10 102. Upon information and belief, Entity Defendants failed to enact proper
11 safety regulations and/or failed to properly supervise the Frodshams by causing, or
12 allowing to be caused, the abuse and neglect or endangerment of Plaintiff, despite
13 knowing of the Frodshams' propensity for abusing and neglecting their children.

14 103. At all times relevant, Entity Defendants were negligent, grossly negligent,
15 and/or reckless in the licensing, retention, supervision, monitoring, and/or enablement of
16 the Frodshams' abuse and neglect of Plaintiff.

17 104. At all times relevant, Entity Defendants were negligent, grossly negligent,
18 and/or reckless in the hiring, retention, supervision, monitoring and/or enablement of
19 their employees/agents responsible for investigating and supervising the Frodshams' care
20 of Plaintiff.

21 105. As a direct and proximate result of Defendants' acts and/or omissions,
22 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
23 damages including the loss of enjoyment of life, and loss of earning capacity, in an
24 amount to be determined by a jury at trial.

25 **COUNT VI**
26 **Assault and Battery**
27 **Against Defendants David Frodsham and Barbara Frodsham**

28 106. Plaintiff repeats and incorporates by reference the allegations contained in
all paragraphs above as though fully set forth herein.

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107. At all times relevant, Defendants David Frodsham and Barbara Frodsham: (1) intended to cause harmful or offensive contact with Plaintiff or cause Plaintiff apprehension of an immediate harmful or offensive contact; (2) in actuality caused a harmful or offensive contact with Plaintiff; and (3) Plaintiff suffered physical and emotional damages as result of such conduct.

108. At all times relevant, Defendants knew David Frodsham and Barbara Frodsham had propensities to violate the above-described acts of assault and battery in violation of A.R.S. §§ 13-1203.

109. As a direct and proximate result of Defendants' acts and omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

COUNT VII
Aggravated Assault and Battery
Against Defendants David Frodsham and Barbara Frodsham

110. Plaintiff repeats and incorporates by reference the allegations contained in all paragraphs above as though fully set forth herein.

111. At all times relevant, Defendants David Frodsham and Barbara Frodsham: (1) intended to cause harmful or offensive contact with Plaintiff or cause Plaintiff apprehension of an immediate harmful or offensive contact; (2) in actuality caused a harmful or offensive contact with Plaintiff with deadly, potentially deadly, and/or dangerous weapons, including but not limited to, leather belts and cigarettes; and (3) caused Plaintiff to suffer physical/emotional damages as result of such conduct.

112. At all times relevant, Defendants knew David Frodsham and/or Barbara Frodsham had propensities to violate the above-described acts of aggravated assault and battery in violation of A.R.S. §§ 13-1204. Such acts and/or omissions constitute negligence *per se* under Arizona law.

113. As a direct and proximate result of Defendants' acts and/or omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional

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1 damages including the loss of enjoyment of life, and loss of earning capacity, in an
2 amount to be determined by a jury at trial.

3 **COUNT VIII**
4 **Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct)**
5 **Against All Defendants**

6 114. Plaintiff repeats and incorporates by reference the allegations contained in
7 all paragraphs above as though fully set forth herein.

8 115. The continuous sexual, physical, and emotional abuse Plaintiff endured
9 starting in or around 2004 by Defendants, including the Frodshams, was extreme and
outrageous and done with the intent to cause Plaintiff emotional distress.

10 116. Defendants' conduct, including but not limited to Entity Defendants'
11 conduct in failing to investigate, supervise, and report the abuse; overlooking "red flags"
12 or abuse; and returning Plaintiff to Barbara Frodsham's care and home, despite DCS's
13 own psychiatrist attesting to her inability to care for or protect her children (where she
14 then continued to physically abuse Plaintiff); was extreme and outrageous, done
15 intentionally and/or recklessly, and caused Plaintiff to suffer emotional distress.

16 117. As a direct and proximate result of Defendants' acts and/or omissions,
17 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
18 damages including the loss of enjoyment of life, and loss of earning capacity, in an
amount to be determined by a jury at trial.

19 **COUNT IX**
20 **Vicarious Liability**
21 **Against Entity Defendants**

22 118. Plaintiff repeats and incorporates by reference the allegations contained in
23 all paragraphs above as though fully set forth herein.

24 119. At all times relevant, the negligent and grossly negligent actions of the
25 employees/agents of Entity Defendants (including but not limited to various Licensing
26 Agencies and their employees), and the Frodshams as foster parents, were the type of
27 actions those employees/agents were authorized to perform in the course and scope of

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1 their employment and/or agency on behalf of the Entity Defendants, namely protecting
2 and providing supervision, care, and services, to foster children, including Plaintiff.

3 120. At all times relevant, those negligent and grossly negligent acts occurred
4 substantially within the time and space limits authorized by Entity Defendants. At all
5 times relevant, those negligent and grossly negligent acts were motivated by a purpose to
6 serve the Entity Defendants.

7 121. As a direct and proximate result of the negligent and grossly negligent acts
8 of their employees/agents, including the Frodshams, described herein, Entity Defendants
9 are vicariously liable for Plaintiff's emotional trauma, physical pain, mental anguish,
10 emotional damages including the loss of enjoyment of life, and loss of earning capacity,
11 in an amount to be determined by a jury at trial.

12 **COUNT X**
13 **Ratification**
14 **Against Entity Defendants**

15 122. Plaintiff incorporates the preceding paragraphs as though fully set forth
16 herein.

17 123. Entity Defendants ratified and endorsed the abusive conduct of David
18 Frodsham and/or Barbara Frodsham by their concealment, cover-up, active disregard of
19 known or suspected risks, and failure to meaningfully address the ongoing physical and
20 sexual abuse of children under their care, including Plaintiff. Entity Defendants ignored
21 the abuse, concealed the abuse, failed to provide help to Plaintiff, and/or failed to
22 meaningfully respond to known dangers about the Frodsham for years.

23 124. Entity Defendants ratified and endorsed Barbara Frodsham and/or David
24 Frodsham's behavior, because they continued to allow this abuse and/or known dangers
25 of abuse to occur unchecked, unaddressed, and/or unreported for years. Defendants
26 further ratified Barbara Frodsham's physical abuse of Plaintiff by ignoring the report of
27 DCS's own psychiatrist, deeming Barbara unfit as a parent, yet returning Plaintiff to her
28 custody. Barbara Frodsham continued her vicious, foreseeable physical abuse of Plaintiff.

125. This ratification also included the State's decision to enlist, employ, and
contract with Licensing Agencies, including non-State Entity Defendants, to license the

1 Frodshams, monitor foster placements, and supervise Plaintiff, despite actions and/or
 2 omissions that the State and/or Licensing Agencies, including non-State Entity
 3 Defendants, knew or should have known, would result in continued child endangerment.

4 126. As a direct and proximate result of Entity Defendants' conduct, Plaintiff
 5 has emotional trauma, physical pain, mental anguish, emotional damages including the
 6 loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by
 7 a jury at trial.

8 **COUNT XI**
 9 **Violations of the Arizona Constitution**
 10 **Against All Defendants**

11 127. Plaintiff incorporates the preceding paragraphs, as though fully set forth
 12 herein.

13 128. By virtue of the acts and omissions described herein, Defendants violated
 14 Plaintiff's right to privacy, liberty interests, due process, and/or his right to be free from
 15 abuse and neglect.

16 129. Defendants, while acting in their individual and/or official capacities,
 17 violated Plaintiff's rights under Article II, Section VII (Due Process of Law) and Article
 18 II, Section VIII (Right to Privacy) of the Arizona Constitution.

19 130. By authorizing, acquiescing in, and failing to properly investigate, report,
 20 and protect Plaintiff, Defendants violated Plaintiff's constitutional rights and/or
 21 protections under Arizona law, engaging in behavior that was negligent and grossly
 22 negligent, or reckless in its disregard or the endangerment and injuries of Plaintiff.

23 131. Plaintiff's constitutional rights—and indeed basic human rights—to
 24 reasonable safety and freedom from harm were violated by Defendants' failure to follow
 25 the State's own statutory and mandated rules and regulations to refrain from harming
 26 Plaintiff and/or to sufficiently investigate allegations of abuse and neglect, and the failure
 27 of Defendants to promulgate proper rules, regulations, practices, policies, and procedures
 28 explicitly designed to protect children, including Plaintiff.

132. Defendants' violation of such laws include, but are not limited to, A.R.S. §
 12-541(1), A.R.S. §§ 47-3307(1) (Breach of Fiduciary Duty by Fiduciary), -3307(2)

(Breach of Fiduciary Duty by Represented Person), A.R.S. §§ 13-1003(A) and (B) (Conspiracy), and -3620 (Duty to Report Abuse). At all times relevant, Defendants, knew or should have known of Defendants' propensities to violate A.R.S. §§ 13-1003(A) and (B) (Conspiracy), and -3620 (Duty to Report Abuse), felonies under Arizona law.

133. As a direct and proximate result of Defendants' acts and omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

COUNT XII
Breach of Fiduciary Duty
Against All Defendants

134. Plaintiff incorporates the preceding paragraphs, as though fully set forth herein.

135. All Defendants had a fiduciary duty to Plaintiff, either arising out of statute or common law as a "special relationship" and/or via a "state-created danger."

136. All of Defendants' actions in its failure to properly license his foster placement, monitor/supervise his placement, and/or adequately investigate known or suspected dangers relating to the Frodshams and/or children in their home were done with either conscious disregard or deliberate indifference to Plaintiff's safety.

137. Entity Defendants' conduct in executing superficial licensing, investigations, supervision of Plaintiff, despite risks that Defendants knew or should have known, was extreme and outrageous, negligent and grossly negligent, and/or done intentionally and/or recklessly.

138. Defendants David Frodsham and Barbara Frodshams' sexual and physical abuse of Plaintiff violated their duty to keep Plaintiff safe from harm and injury.

139. As a direct and proximate result of Defendants' acts and omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

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COUNT XIII
Violations of Constitutional Rights under 42 U.S.C. § 1983
Against All Defendants

140. Plaintiff incorporates the preceding paragraphs, as though fully set forth herein.

141. 42 U.S.C. § 1983 imposes liability on one who, under color of law, deprives a person of any “rights, privileges, or immunities secured by the Constitution and laws,” under 42 U.S.C. § 1983. *See Weatherford ex rel. Michael L. v. State*, 206 Ariz. 529, 531 (2003). A child placed in a dangerous foster care placement may bring an action based upon 42 U.S.C. § 1983 against individual state workers/agents (and, by extension, the State) for violating the foster child's substantive due process rights under the United States Constitution. The touchstone of substantive due process is protection against government power arbitrarily and oppressively exercised. *See Weatherford ex rel. Michael L. v. State*, 206 Ariz. 529, 533, (2003). By extension, the Due Process Clause is “intended to prevent government officials from abusing their power or employing it as an instrument of oppression.” *See County of Sacramento v. Lewis*, 523 U.S. 833, 846.

142. Plaintiff alleges he incurred damage from abusive executive conduct, enacted by employees/agents operating on behalf of the State. Plaintiff further alleges the conduct was “arbitrary in the constitutional sense” to implicate the Due Process Clause, as outlined in *Weatherford ex rel. Michael L. v. State*, 206 Ariz. 529, 533 (2003).

143. Plaintiff alleges Defendants, including individuals acting under the color of law and on behalf of the State, acted with willful, wanton, and deliberate indifference to the basic needs and rights of Plaintiff. These actions and/or omissions include Defendants, including individuals acting under the color of the law and on behalf of the State, engaging in widespread failure to properly report, investigate, and/or substantiate known, reasonably discoverable, and/or clear and convincing indications of child abuse, child endangerment, neglect, and/or maltreatments of Plaintiff and other similarly situated children throughout Cochise County and the State of Arizona.

144. Plaintiff further alleges that his treatment, placement with the Frodshams, (and/or Defendants’ actions and/or omissions in improperly placing, failing to monitor

1 Plaintiff, and/or returning Plaintiff to Barbara Frodsham's care despite a DCS
2 psychiatrist's warnings about her inability as a parent to care for or protect her children,
3 where she continued abusing Plaintiff) fell beneath the "broad and idealistic concepts of
4 dignity, civilized standards, humanity, and decency," in Plaintiff's constitutional rights.
5 *See Weatherford ex rel. Michael L. v. State*, 206 Ariz. 529, 534 (2003).

6 145. Plaintiff's treatment by, placement/return with/to the Frodsham home,
7 and/or Defendants' actions and/or omissions in placing and failing to monitor Plaintiff
8 constitutes negligence and gross negligence, recklessness, and/or deliberate indifference
9 to the known or obvious dangers to which Plaintiff was subjected by Defendants. These
10 actions and/or omissions created a "state-created danger," resulting in Plaintiff's harm.

11 146. Defendants are prohibited from violating a person's constitutional rights,
12 including Plaintiff's rights, regardless of whether acting in their individual or official
13 capacity, including but not limited to Plaintiff's constitutional rights under the Eighth and
14 Fourteenth Amendments of the United States Constitution.

15 147. Pursuant to the Eight Amendment of the United States Constitution,
16 individuals are guaranteed to be free from cruel and unusual punishment. State officials
17 and its employees/agents, including Defendants, are prohibited from violating a person's
18 constitutional rights, including Plaintiff's rights, regardless of whether acting in their
19 individual or official capacity, guaranteed by the Eighth Amendment of the United State
20 Constitution.

21 148. Pursuant to the Fourteenth Amendment of the United States Constitution,
22 individuals are guaranteed to due process. State officials and their agents, including
23 Defendants, are prohibited from violating a person's constitutional rights, including
24 Plaintiff's rights, regardless of whether acting in their individual or official capacity,
25 guaranteed by the Fourteenth Amendment of the United States Constitution.

26 149. Defendants' policies, practices, and/or procedures disregarding the high
27 risk of injury posed to innocent children, including Plaintiff.

28 150. Defendants' actions were conceived as a tactical plan pursuant to their
training, policies, practices, and/or procedures, which ignored the risk posed to Plaintiff.

151. Defendants' unconstitutional policies, practices, and/or procedures were the moving force behind Defendants' tactical plan to violate Plaintiff's constitutional rights.

152. But for Defendants' unconstitutional policies, practices, and/or procedures of ignoring the risks posed to innocent children, Defendants would not have executed a tactical plan that exposed Plaintiff to such an extreme risk of injury.

153. Defendants knew or should have known that there was a greater risk of injury to Plaintiff based on Defendants' acts and/or omissions.

154. The risk of injury in which Defendants placed Plaintiff was intentional and/or reckless and displayed willful indifference and disrespect to human life.

155. At all times relevant, Defendants, regardless of whether acting in their individual or official capacities, failed to act reasonable and/or with prudence.

156. Defendants' policies, practices, and/or procedures further violated the United States Constitution and Plaintiff's constitutional rights, as their acts and omissions demonstrate intentional actions, deliberate indifference, and/or extreme recklessness for the safety and wellbeing of innocent children, including Plaintiff.

157. Defendants' intentional actions, deliberate indifference, and/or reckless disregard for the constitutional rights and safety of Plaintiff is the direct and proximate cause of Plaintiff's injuries.

158. The State and/or other Entity Defendants, ratified these unconstitutional policies, practices, and/or procedures by either turning a blind either to known or obvious dangers and/or covering up the abuse committed by David and Barbara Frodsham. This ratification included the intentional return of Plaintiff to Barbara Frodsham's care and home, despite DCS's own psychiatrist warning of her inability to care for her children. Thereafter, Barbara Frodsham continued her abuse of Plaintiff. This ratification also included the State's decision to enlist, employ, and contract with Entity Defendants to supervise Plaintiff, despite actions and/or omissions that the State and/or Entity Defendants knew or should have known, would result in continued child endangerment.

159. As a direct and proximate result of Defendants' acts and omissions, Plaintiff suffered emotional trauma, physical pain, mental anguish, emotional damages

1 including the loss of enjoyment of life, and loss of earning capacity, in an amount to be
2 determined by a jury at trial.

3 **COUNT XIV**
4 **Punitive Damages**
5 **Against All Defendants (Except Defendant State of Arizona)**

6 160. Plaintiff incorporates the preceding paragraphs, as though fully set forth
7 herein.

8 161. Defendants consciously pursued a course of conduct, and/or engaged in a
9 cover-up, knowing that it created (and perpetuated) a substantial risk and/or significant
10 harm to Plaintiff, and Defendants committed acts and omissions so egregious and
11 reprehensible that it can only be assumed that Defendants intended to injure Plaintiff,
12 and/or that they consciously disregarded the substantial risk of harm created by their
13 conduct, such that Defendants' conduct was the result of an evil mind warranting the
14 imposition of punitive or exemplary damages against them.

15 162. As a direct and proximate result of Defendants' conduct, Plaintiff has
16 suffered significant emotional trauma, physical pain, mental anguish, emotional damages
17 including the loss of enjoyment of life, and loss of earning capacity, in an amount to be
18 determined by a jury at trial.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 21 A. For Plaintiff's damages in an amount to be proven at trial by jury;
- 22 B. For Plaintiff's incurred costs together with interest at the highest lawful rate
23 on the total amount of all sums awarded from the date of judgment until paid;
- 24 C. For the fair and reasonable monetary value of Plaintiff's past, present, and
25 future medical bills, pain, suffering, impairment, loss of enjoyment of life, and loss of
26 earning capacity;
- 27 D. For punitive and exemplary damages as allowed by Arizona State and
28 federal law;
- E. For attorneys' fees incurred; and

1 F. For such other and further relief in law and equity as the Court deems
2 appropriate.

3 **DEMAND FOR JURY TRIAL**

4 Pursuant to Rule 38 of the Ariz. R. Civ. P. and A.R.S. § 12-1176, Plaintiff Trever
5 Frodsham demands a jury trial on all Counts so triable.

6
7 RESPECTFULLY SUBMITTED this 29th day of March, 2022.

8 **CADIGAN LAW FIRM, LLC**

9 /s/ Lynne M. Cadigan

10 Lynne M. Cadigan, Esq.

11 Taylor W. Boren, Esq.

12 *Attorneys for Plaintiff Trever Frodsham*
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**SUPERIOR COURT OF ARIZONA, COCHISE COUNTY
PATRICIA MUNOZ, CHIEF PROBATION OFFICER**

ADULT PROBATION DISPOSITION/COVER SHEET

NAME: David Wayne Frodsham

SENTENCING DATE: 08/24/2016 **SENTENCE TIME:** 14:00

SENTENCING JUDGE: Wallace R Hoggatt

CRIMINAL DIVISION: III

PROSECUTOR: Sara Ransom - County Attorney

DEFENSE: Joseph DiRoberto - Privately Retained

NEW OFFENSE

CAUSE No.: CR201600521 **CHARGE:** Count 3 Attempt to Commit 13-1405A
SEXUAL CONDUCT WITH MINOR
N 3 F

DISPOSITION: _____

FELONY__MISDEMEANOR__OPEN-END__RESTITUTION__FINE__REIMBURSEMENT

**ARIZONA SUPERIOR COURT IN COCHISE COUNTY
ADULT PROBATION DEPARTMENT**

REVISED PRESENTENCE REPORT- PART ONE

Defendant: David Wayne FRODSHAM

Sentencing Judge: Wallace R. Hoggatt

Case No: CR201600521

Sentencing Date: August 24, 2016

SENTENCE INFORMATION

On September 23, 2016 the Court ordered the probation officer to prepare new presentence reports for Cochise County Superior Court CR201600419 and Cochise County Superior Court CR201600521. The Court ordered the information in the new presentence reports to be consistent with the information presented at sentencing on August 24, 2016. Defense counsel then provided the transcript to the probation officer on October 13, 2016.

Charge:

Note: Counts 1 and 2 of the plea agreement are presented in the presentence report for Cochise County Superior Court CR201600419.

Count 3: From or about October 2015 through April 21, 2016, **David Wayne Frodsham** intentionally or knowingly attempted to commit sexual conduct with a minor under the age of 18 years when the Defendant was in a position of trust with the minor, to wit: The Defendant *attempted* to engage in sexual intercourse or oral sexual contact with R.F., the Defendant's 16-year-old adopted or foster son, in violation of **A.R.S. §§ 13-1001, 13-1405(A)(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901, and 13-902**, a class 3 felony and an amendment to Count 1 of the Direct Information in CR201600521.

Penalty:

Sentencing range for a Class 3 non-dangerous, non-repetitive felony offense:

2 years	2.5 years	3.5 years	7 years	8.75 years
Mitigated	Minimum	Presumptive	Maximum	Aggravated

The Court may impose a fine up to \$150,000 plus an 83 percent surcharge and grant probation up to life.

Defendant: David Wayne FRODSHAM

Case No: CR201600521

Mandatory Sentencing Provisions:

<u>A.R.S.</u>	<u>Requirement</u>
§ 13-603(I)	Community Supervision
§ 13-610	DNA sample
§ 13-3821(Q)	\$250 sex-offender registration assessment (no surcharge)
§ 13-3821	Sex-offender registration

Plea Agreement Stipulations/Special Terms:

The Court accepted the Defendant's guilty plea in Division III on August 24, 2016.

The State and the Defendant stipulate and agree to the following:

The Defendant shall register as a sex offender pursuant to A.R.S. § 13-3821, et seq.

The Defendant admits to the emotional harm to Victim RF.

Regarding Count 1, the Court will sentence the Defendant to 8.5 years in the Arizona Department of Corrections, to commence immediately upon sentencing by the Court. The parties acknowledge that this is a flat time sentence pursuant to A.R.S. § 13-1405(B) and the Defendant will serve the time day-for-day with no expectation of early release.

Regarding Count 2, the Court will sentence the Defendant 8.5 years in the Arizona Department of Corrections, to commence and run consecutively to the Defendant's completion of the term in Count 1 of the plea agreement. The parties acknowledge that this is a flat time sentence pursuant to A.R.S. § 13-1405(B) and the Defendant will serve the time day-for-day with no expectation of early release.

Regarding Count 3 listed in CR201600521, the Court will suspend sentence and place the Defendant on lifetime probation, to commence upon his release from prison and run consecutively to Counts 1 and 2 of the plea agreement.

The Defendant acknowledges and consents to amendments to all counts of the plea agreement as provided in Paragraph 15 of the Plea Agreement. As to Count 2 in particular, the Defendant acknowledges that the amendment substantively amends the charge to remove reference to conspiracy to commit sexual conduct with a minor

Defendant: David Wayne FRODSHAM

Case No: CR201600521

while the Defendant was in a position of trust and instead allege the completed crime of sexual conduct with a minor while the Defendant was in a position of trust. The Defendant consents to the amendments and acknowledges that the facts and evidence the State would be able to present at trial support the amendment to Count 2, as well as other amendments to the Indictment and Direct Information.

Because the Defendant agrees to lifetime probation on Count 3 following his prison terms on Counts 1 and 2, the Defendant waives community supervision.

The Defendant agrees to pay restitution to all the victims named in the original Indictment and Direct Information, even if they are not named within the specific charges to which the Defendant is pleading guilty. The Defendant understands he is jointly and severally liable for the entire restitution amount(s). The Defendant specifically agrees to make restitution to the victims for losses suffered as a result of the course of conduct of which the Defendant may only be a part. The Defendant agrees to pay restitution in the total amount up to \$5,000.00 if documented by the victims. *The victim representatives shall have up to 45 days after the date of sentencing in which to submit documentation in support of any restitution request.*

The Defendant will pay a fine of \$2,500.00 plus an 83 percent surcharge, for a total \$4,575.

The Defendant shall have no contact, direct or indirect, with Victim RF.

After consultation with Victim RF's representative, the State agrees that it will not pursue charges related to crimes perpetrated against Victim RF. The Defendant is aware that the State's investigation into other potential victims is on-going, and the State reserves the right to pursue charges as to other potential victims.

The following charges are dismissed or, if not yet filed, shall not be brought against the Defendant: Counts 1, 2, 5 and 6 of the Indictment in CR201600419. The Direct Information in CR201600521 contains a single count to which the Defendant is pleading guilty by this Plea Agreement, so there are no dismissals pertinent to that matter.

Co-defendant:

None

Defendant: David Wayne FRODSHAM

Case No: CR201600521

Related Case:

United States v. Randall Alexander Bischak
U.S. District Court, District of Arizona Docket CR16-1004-TUC-RM

Counts 1-3: Production of child pornography
Counts 4-6: Distribution of child pornography
Count 7: Possession of child pornography

Pending trial set for February 14, 2017.

STATEMENT OF OFFENSE

Law Enforcement Report Summary:

On December 9, 2015, a U.S. Department of Homeland Security Agent performing undercover Internet investigations determined that a user identified as *PupBrass* posted sexually explicit material depicting children into a chat group known as *Pedopicsandvidd*. Based upon the agent's review of the contents of the chats and postings, the agent determined *Pedopicsandvidd* was dedicated primarily to topics related to child sexual abuse and child pornography.

The agent downloaded four videos and six images from *PupBrass* that depicted children, some as young as toddlers, engaged in sexually explicit conduct, including oral and vaginal penetration of children by adults and children posing nude in sexually explicit poses with a focus on their genitalia. Three videos depicted the following:

An adult male forcing his erect penis into the vagina of a 2- to 3-year-old female child while the child cries for her *mommy*; an adult male forcing his erect penis into the mouth of an 8- to 10-year-old female child while he tells her to not look at the camera and shows her how he wants her to masturbate his penis; and, an adult male forcing his erect penis into the vagina of an 8- to 10-year-old female child while he switches positions for about two minutes showing different angles of the vaginal penetration.

In March 2016, Tucson Police Department undercover officers conducted chats and received downloads from *PupBrass*. After an undercover officer indicated he had two daughters, *PupBrass* asked for their age; asked if they had been previously *shared*; and, asked if they liked *cock*. *PupBrass* also expressed that he intended to do anything the undercover officer was willing to let him do with his daughters. *PupBrass* also told the undercover officer a 6-year-old child had stimulated his genitalia with his/her hands. He also sent a picture of a penis he claimed belonged to him and told the undercover officer to tell his 12-year-old daughters that *he wants pussy pie*.

Defendant: David Wayne FRODSHAM

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An American Registry for Internet Numbers revealed the IP address associated with *PupBrass* was near Phoenix and registered to Cox Communications. On February 8, 2016, U.S. Department of Homeland Security served a summons on Cox Communications requesting the identity of *PupBrass*. On March 4, 2016, Cox Communications responded and identified the account subscriber as Randall Bischak at 1595 South Paseo La Paz in Sierra Vista, Arizona. After a week of surveillance on the residence, an agent executed a search warrant and secured computers, cellular telephones, electronic tablets, and CDs with digital data. A forensic examination of Bischak's cellular telephone revealed several applications related to child pornography.

During an interview with an agent, Bischak expressed that he was engaged in consensual sex with David Frodsham; he and Frodsham had discussed engaging in sexual contact with a toddler; Frodsham had sent a toddler into the bathroom with Bischak for sexual contact with the toddler; and, Bischak had sex with Frodsham's 16-year-old adopted son, RF.

Bischak showed the agent a picture of the toddler and expressed that Frodsham had previously sent the picture to him on a cellular telephone application. He also showed the agent pictures of RF exposing his penis and testicles. The agent then reviewed text messages between Bischak and Frodsham which revealed the following: Frodsham expressed that he would bring *the little ones* with him when they met for sex; and, Bischak brags about sex with underage boys including a 4-year-old boy.

Based upon Bischak's interview, an agent executed a search warrant at Frodsham's residence and secured computers, cellular telephones, and other digital media storage. During an interview with an agent, Frodsham expressed he was involved in an intimate sexual relationship with Bischak; he introduced RF to Bischak; he brought two toddlers to Bischak's residence when he and Bischak engaged in sex in the back bedroom; he and Bischak watched pornography but he was unable to see without his glasses; he sent Bischak pictures of toddlers; he was not involved in possessing or distributing child pornography; and, he has never involved the children he was responsible for in sexual acts.

A forensic examination of Frodsham's cellular telephone revealed two photographs depicting Frodsham in the bathtub naked with two naked toddlers.

On April 21, 2016, Bischak told an agent Frodsham introduced him and RF with the specific intention of them engaging in sexual activity. He expressed that he had a video of the three of them engaged in sexual activity. Further examination of Bischak's cellular telephone revealed videos of him and RF engaged in sexual activity with the dates of the videos corresponding to text messages between Bischak and Frodsham where Frodsham is making transportation arrangements for RF to Bischak's

Defendant: David Wayne FRODSHAM

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residence. Agents arrested Bischak and booked him into federal custody. Agents also arrested Frodsham and booked him into the county jail.

Defendant's Statement:

The probation officer interviewed the defendant on July 12, 2016. He completed the presentence interview packet with no difficulty. The defendant was polite, cooperative, and appropriately answered all questions regarding the instant offense and his personal background. The defendant acknowledged that he pleaded guilty pursuant to a plea agreement.

The defendant was very remorseful regarding his criminal behavior and attributed his involvement in the instant offense to his therapy-unaddressed sexual victimization as a teenager and alcoholism. He provided the following written statements (paraphrased):

I regretfully engaged in despicable, lewd sexual misconduct with RF and a third party (Randall Bischak). I allowed RF to perform oral sex on myself and the third party. I innocently introduced RF to Bischak for the sole purpose of RF earning money performing yard work for Bischak. Granted, I knew both were interested in males. I was still shocked when I first learned Bischak had engaged in sexual activity with RF. RF then told me that Bischak agreed to buy him a fancy cellular telephone if he could arrange a threesome, and I foolishly agreed. Unbeknownst to RF or me, Bischak covertly filmed a portion of our sexual encounter.

I feel ignominious. Every sleepless night I pray to God to turn back the time. I can never forgive myself for violating the bond with RF. I betrayed him, but I am encouraged that he will recover because of his strength. I hope he receives treatment and counseling. Also, I can never forgive myself for the shame and humiliation I have caused to my family. They are devastated by my actions. They are supporting each other, and I have insisted they dissociate themselves with me.

I am fully responsible for the sordid act on RF and must be sent to prison for my penance. I am hopeful that I can do some goodwill in prison by teaching or mentoring less- fortunate individuals. I hope the Court can have mercy on me.

Victim's Statement:

Pursuant to A.R.S. §§ 13-4424 and 12-253(4), the probation officer sent a letter and telephonically contacted the victim representative, a Department of Child Safety case manager, to obtain information regarding the economic, physical, and psychological impact the criminal offense has had on the victim and the victim's immediate family.

Defendant: David Wayne FRODSHAM

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The case manger expressed that RF received a kinship placement and is participating in counseling. The case manager provided no further information.

RISK/NEEDS ASSESSMENT

Offender Screening Tool (OST) Score:

RISK/NEEDS CLASSIFICATION - Male			
Low 0-5	Medium-Low 6-10	Medium-High 11-17	High 18-42
		14	

COMMUNITY SUPERVISION LEVEL				
Administrative Supervision	Standard Issue-Driven Supervision	Special Programs - Drug Court	Intensive Probation Supervision	Ineligible - Mandatory Incarceration

COLLATERAL INFORMATION

None

EVALUATION

Summary:

The 59-year-old defendant pleaded guilty, pursuant to a plea agreement, to attempted sexual conduct with a minor. The plea agreement stipulates that the Court will suspend sentence and place the Defendant on lifetime probation, to commence upon his release from prison on Counts 1 and 2 in Cochise County Superior Court CR201600419.

The screening tool suggests the defendant is a medium-high risk/needs offender. Based upon his medium-high risk/needs and the serious nature and circumstances of the offense, the lifetime probation-stipulated plea agreement is considered appropriate to protect the public from further crimes of the defendant and to provide the defendant with needed community-based correctional treatment in the most effective manner following his release from prison.

Therefore, it is respectfully recommended the Court place the defendant on probation for lifetime under the following terms and conditions:

Defendant: David Wayne FRODSHAM

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Standard Conditions:

1-7, 8 (written permission for out-of-county travel); 9-15; 16 (no alcohol); 19 (no victim contact); 21 (deferred incarceration sanction); 22 (alcohol-free residence); 22 (Shall close all social media accounts including Facebook, Instagram, YouTube and others as directed by supervising probation officer; and 22 (Shall not have access to the internet without permission from supervising probation officer)

Time Credit Computation:

Date	Event	Days Credit
April 21, 2016	Initial Arrest	NA
August 24, 2016	Sentencing	125
Total Time Credit =		125

Mitigating and Aggravating Circumstances:

A.R.S. § 13-701(D) Aggravating Circumstances:

Regarding Counts 1 and 2, the Court finds in aggravation *emotional harm to the victim* pursuant to A.R.S. § 13-701(D) (9). Additionally regarding Count 2, the Court finds in aggravation *presence of an accomplice* pursuant to A.R.S. § 13-701(D) (4).

A.R.S. § 13-701(E) Mitigating Circumstances:

The Court finds *the Defendant has remorse for what he did to the victim in this case.*

Defendant: David Wayne FRODSHAM**Case No: CR201600521****Financial Assessments:**

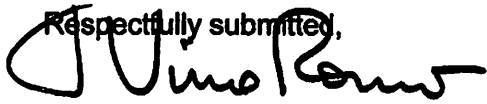
Probation Fees A.R.S. § 13-901	<u>\$75</u>
Probation Assessment A.R.S. § 12-114.01	<u>\$20</u>
Time Payment Fee A.R.S. § 12-116	<u>\$20</u>
Additional Assessment A.R.S. § 12-116.04 (Sierra Vista PD DR 16-14197)	<u>\$13</u>
Fine A.R.S. § 13-801	<u>\$2,500</u>
83 Percent Surcharge A.R.S. § 12-116	<u>\$2,075</u>
Indigent Defense Fee A.R.S. § 11-588*	<u>NA</u>
Attorney Fees**	<u>NA</u>
Sex-Offender Registration A.R.S. § 13-3821(Q)	<u>\$250</u>

* ** The defendant has retained legal representation.

Restitution

The Defendant agrees to pay restitution to all the victims named in the original Indictment and Direct Information, even if they are not named within the specific charges to which the Defendant is pleading guilty. The Defendant understands he is jointly and severally liable for the entire restitution amount(s). The Defendant specifically agrees to make restitution to the victims for losses suffered as a result of the course of conduct of which the Defendant may only be a part. The Defendant agrees to pay restitution in the total amount up to \$5,000.00 if documented by the victims. *The victim representatives shall have up to 45 days after the date of sentencing in which to submit documentation in support of any restitution request.*

Respectfully submitted,



J. Vince Romero
Deputy Adult Probation Officer
Bisbee Office (520) 432-8822



for Catherine Stevens
Supervisor Adult Probation Officer
Bisbee Office (520) 432-8820

Date: November 7, 2016

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
Sentencing Date: August 24, 2016

PRESENTENCE REPORT - PART TWO

ASSESSMENT SUMMARIES

Offender Screening Tool (OST) Domain Summary:

Static Risk Factors – Pre-existing personal characteristics or environmental conditions that increase the likelihood of criminal behavior or other negative outcomes and cannot be changed

Protective Factors – Current and pre-existing characteristics or environmental conditions that increase the likelihood of positive outcomes

Dynamic Risk/Need Factors – Current personal characteristics or environmental conditions that correlate to criminal conduct and negative outcomes but can be changed through targeted intervention

DOMAIN	SUMMARY
Family/Social Relationships SCORE: 6/8	<p style="text-align: center;">Static Risk Factors</p> <ul style="list-style-type: none"> • The defendant left home before age 16. • The defendant reported a childhood history of domestic violence. <p style="text-align: center;">Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant's current family relations are negative and non-existent. • The defendant's relationship with his wife is very strained, estranged, and pending divorce. • The defendant reported no references or peers. • The defendant reported no regular association with at least one pro-social person. <p style="text-align: center;">Protective Factors</p> <ul style="list-style-type: none"> • The defendant was raised by biological parents. • The defendant's parents or siblings had no criminal record during the defendant's formative years.

Defendant: David Wayne FRODSHAM
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<p>Residence/ Neighborhood</p> <p>SCORE: 1/2</p>	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • None <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant's residential arrangement before his detention for the instant offense included the victim of the instant offense. <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant's residence was stable during the six months prior to his detention.
<p>Education</p> <p>SCORE: 1/3</p>	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • The defendant was suspended and/or expelled from school. <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • None <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant has a master's degree in strategic studies.
<p>Vocational/ Financial</p> <p>SCORE: 1/5</p>	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • None <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant is currently detained and unemployed. <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant has not been unemployed three or more times for 30-day periods during the past three years. • The defendant has not been fired or forced to resign during the past three years. • The defendant reported no current financial difficulties and an ability to satisfy obligations. • The defendant receives no financial assistance from family, friends, or public assistance.

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
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Alcohol	<ul style="list-style-type: none"> • See Confidential Section
Drug Abuse	<ul style="list-style-type: none"> • See Confidential Section
Mental Health	<ul style="list-style-type: none"> • See Confidential Section
Physical Health/Medical SCORE: NA	<ul style="list-style-type: none"> • See Confidential Section
Attitude SCORE: 2/7	<p style="text-align: center;">Static Risk Factors</p> <ul style="list-style-type: none"> • None <p style="text-align: center;">Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant's self-assessment reveals values and beliefs supportive of crime. • The defendant's self-assessment also reveals values and beliefs non-conforming to societal norms. <p style="text-align: center;">Protective Factors</p> <ul style="list-style-type: none"> • The defendant expressed an affirmative acceptance of responsibility for the instant offense. • The defendant expressed amenability toward supervision. • The defendant expressed respect for authority. • The defendant expressed a fair motivation level for life improvements. • The defendant expressed an ability to be self-disciplined and achieve goals by conventional channels.

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
Sentencing Date: August 24, 2016

Criminal Behavior SCORE: 2/9	Static Risk Factors <ul style="list-style-type: none"> • The instant offense is a felony. • The instant offense is a crime of violence because it involves emotional harm.
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Additional Assessment Results:

Arizona Sex Offender Assessment Screening Profile and Regulatory Community Notification:

Sex Offense Risk Score 19 Lower Risk Range

General Recidivism Risk 15 Lower Risk Range

Suggested Community Notification Level 1

For Level 1 offenders, the local law enforcement agency that is responsible for notification shall maintain information about the offender. The local law enforcement agency may disseminate this information to other law enforcement agencies and may give notification to the people with whom the offender resides - A.R.S. §§ 13-3825 and 13-3826.

Adult Substance Use Survey- Revised (ASUS-R):

See Confidential Section

Defendant: David Wayne FRODSHAM

Sentencing Judge: Wallace R. Hoggatt

Case No: CR201600521

Sentencing Date: August 24, 2016

CONFIDENTIAL

FOR DISCLOSURE ONLY TO THE COURT, PROSECUTOR,
DEFENSE ATTORNEY, AND OTHER AUTHORIZED
CRIMINAL JUSTICE AGENCIES

VICTIM INFORMATION

Not Applicable

CONFIDENTIAL ASSESSMENT SUMMARIES

DOMAIN	SUMMARY
Alcohol SCORE: 1/3	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • The defendant has two alcohol-related arrests. <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • None <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant has not consumed alcohol since his only alcohol-related arrests in January 2015. • The defendant expressed an interest in positive behavioral changes related to alcohol.
Drug Abuse SCORE: 0/3	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • None <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • None <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant reported no drug use during the past year. • The defendant reported no drug use during the month leading up to the instant offense. • The defendant expressed an interest in continuing to not use drugs; he has not used drugs for over 34 years.

Defendant: David Wayne FRODSHAM
Case No: CR201600521

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Sentencing Date: August 24, 2016

Mental Health SCORE: 0/2	Static Factors <ul style="list-style-type: none"> • None Current Needs <ul style="list-style-type: none"> • None
Physical Health/Medical SCORE: NA	Current Needs <ul style="list-style-type: none"> • The defendant takes medication for hypertension.

Additional Assessment Results:

Adult Substance Use Survey- Revised (ASUS-R):

The defendant participated in the ASUS-R. The self-assessment suggests the defendant reported the following:

SCALE	SELF-ASSESSMENT PROFILE
Alcohol and Other Drug (AOD) Involvement	<ul style="list-style-type: none"> • The defendant has a high level of lifetime alcohol involvement.
AOD Disruption	<ul style="list-style-type: none"> • The defendant has experienced a very high level of problems and/or negative consequences in life because of alcohol involvement.
AOD Involvement Past 6 months	<ul style="list-style-type: none"> • The defendant has a non-existent level of alcohol and/or drug involvement during the past six months.

Defendant: David Wayne FRODSHAM**Sentencing Judge: Wallace R. Hoggatt****Case No: CR201600521****Sentencing Date: August 24, 2016**

AOD Social and/or Psychological Benefits	<ul style="list-style-type: none"> The defendant has a very high level of alcohol involvement for social and/or psychological benefits.
Social Non-Conformance	<ul style="list-style-type: none"> The defendant has a low level of rebelliousness and/or anti-social behavior.
Lifetime Legal Non-Conformance	<ul style="list-style-type: none"> The defendant has a very low level of legal non-conformance.
Legal Non-Conformance Past 6 months	<ul style="list-style-type: none"> The defendant had a high level of legal non-conformance during the six months prior to detention.
Mood Adjustment	<ul style="list-style-type: none"> The defendant has experienced a high level of psychological and/or emotional disruption in life.
Psychosocial Disruption and Problems	<ul style="list-style-type: none"> The defendant is indicating a high level of past and/or current life-functioning problems and adjustment.
Defensive	<ul style="list-style-type: none"> The defendant is defensive when disclosing personal and/or sensitive information.
Motivation to Change	<ul style="list-style-type: none"> The defendant has a low level of motivation to seek help to make life changes with regard to alcohol and/or other drug problems and to stop or to continue to not use alcohol and/or other drugs.

Defendant: David Wayne FRODSHAM**Sentencing Judge: Wallace R. Hoggatt****Case No: CR201600521****Sentencing Date: August 24, 2016**

Strengths	<ul style="list-style-type: none"> The defendant perceives a very high level of strength with regard to managing life problems and/or handling issues in major life-functioning areas.
Suggested Services	<ul style="list-style-type: none"> Guidelines suggest regular weekly alcohol and/or other drug outpatient treatment services.

CRIMINAL HISTORY

The defendant and local, state, and national law enforcement agencies report the following:

Adult Felony Convictions:

None

Adult Misdemeanor Convictions:

None

Adult Pending:

<u>Date/Place</u>	<u>Offense</u>	<u>Disposition</u>
10/2015 through 04/21/2016 Sierra Vista, AZ	Counts 1-2: Sexual exploitation of minor Count 3: Sexual conduct with minor Count 4: Conspiracy to commit sexual conduct with minor Counts 5-6: Conspiracy to commit child molestation Cochise County Superior Court CR201600419 Instant Offense	08/24/2016: Pleaded guilty to amended Counts 3 and 4 of Indictment for dismissal of remaining counts
10/2015 through 04/21/2016 Sierra Vista, AZ	Count 1: Sexual conduct with minor Cochise County Superior Court CR201600521 Instant Offense	08/24/2016: Pleaded guilty to amended Count 1 of Direct Information

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
Sentencing Date: August 24, 2016

Adult Dismissed:

<u>Date/Place</u>	<u>Offense</u>	<u>Disposition</u>
01/06/2015 Sierra Vista, AZ	Disorderly conduct-fighting	Dismissed
01/06/2015 Sierra Vista, AZ	Agg DUI-passenger under age 15 (4 counts) Child abuse-reckless (4 counts)	Dismissed

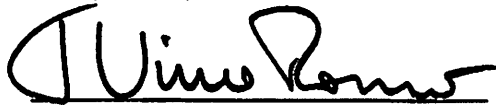
Juvenile:

None

Other Legal Status and Detainers:

None

Respectfully submitted,



J. Vince Romero
Deputy Adult Probation Officer
Bisbee Office (520) 432-8822


for Catherine Stevens
Supervisor Adult Probation Officer
Bisbee Office (520) 432-8820

Date: November 7, 2016

COCHISE COUNTY CLIENT INFORMATION SHEET**David Wayne Frodsham****D.O.B. 08/23/1956 Age 60 APO Romero, Julian**

Residence ASPC - 4374 E Butte Ave Florence, Arizona 85232	Unit	Ethnicity White	Sex M
Phone		Eyes Hazel	Hair Brown
Message		D.O.B. 08/23/1956	Height 6 ft.
Employer Retired		P.O.B. Spokane, Washington United States	Weight 255 lbs.
	Suite		Language English
Occupation Personnel Director		SSN 533-62-3586	Citizen United States
Marital Married	Dependents 0	SID # AZ24137864	FBI # 269127JG7
Driver's LIC D07774570 - Valid			Allen # NA

Spouse / Relative / Children			
Barbara Frodsham	Spouse	59 yrs.	1274 Sunflower Way Sierra Vista, Arizona 85635
Jillian Frodsham	Daughter	32 yrs.	Department of Corrections Phoenix, Arizona
Jonathan Frodsham	Son	30 yrs.	Address Unknown Sierra Vista, Arizona 85635
Meagan Frodsham	Daughter	28 yrs.	Address Unknown Sierra Vista, Arizona 85635
William Frodsham	Brother	63 yrs.	Address Unknown Yakima, Washington
Sheryl Sansavoe	Sister	50 yrs.	Address Unknown Snohomish, Washington

TAT L ARM - Heart	*NCIC Scars, Marks and Tattoos
	TAT R ARM - Heart

COCHISE COUNTY CLIENT INFORMATION SHEET**David Wayne Frodsham****D.O.B. 08/23/1956 Age 60 APO Romero, Julian****Juvenile Justice Interventions**

<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Referral	/	Adjudication	/	Probation	/	Intensive	/	Detention
DOJC	/	Parole	/	Transfer	/	Diversion		

Criminal History

Misdemeanors		Felonies		General	
Sex	<input type="text" value="0"/>	Sex	<input type="text" value="0"/>	Outstanding Warrant	<input type="text" value="0"/>
Violence	<input type="text" value="0"/>	Violence	<input type="text" value="0"/>	Probation Revocation	<input type="text" value="0"/>
Drug	<input type="text" value="0"/>	Drug	<input type="text" value="0"/>	Parole Revocation	<input type="text" value="0"/>
Alcohol	<input type="text" value="0"/>	Alcohol	<input type="text" value="0"/>	Deportation	<input type="text" value="0"/>
Nonviolent or Property	<input type="text" value="0"/>	Nonviolent or Property	<input type="text" value="0"/>	Escape	<input type="text" value="0"/>
Total	<input type="text" value="0"/>	Total	<input type="text" value="0"/>		

Adult Justice Interventions

<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Deferred	/	Summary	/	Fine	/	Probation	/	Intensive	/
Diversion	/	Jail	/	Shock	/	Prison	/	Parole	

Substance Abuse**Current Use:****Current Abuse:****Past Use:** Marijuana ; Cocaine ; Speed/Meth ; LSD/PCP/Mushrooms ; Toxic Vapors**Past Abuse:** Alcohol**Past Treatment Attempts**

<input type="text" value="1"/>	<input type="text" value="1"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Anger Control	Alcohol	Drug	Domestic Violence	Mental Health	Sexual Deviancy	Financial Control

Education

MA, MS, PHD	No	Yes	No	No	Yes	Yes	N
Grade Completed	/	Special Ed	/	GED-HS Grad	/	Voc.or Tech.	/
A.A.	/	Bachelors	/	Post Graduate		W.R.A.T.	

Screening Completed

Drug Court	Not Screened	Domestic Violence	Not Screened
SMAST	Not Screened	INS	Not Screened
Work Furlough	Not Screened	Intensive Probation Supervision	Not Screened
Juvenile Transfer/JTOP	Not Screened	Interstate Compact	Not Screened
Community Punishment Program	Not Screened	Sex Offender	Not Screened

COCHISE COUNTY CLIENT INFORMATION SHEET

David Wayne Frodsham

D.O.B. 08/23/1956 Age 60 APO Romero, Julian

Presentence Present Offense Summary

Case	Judge	Sentence Date	Plea/Verdict
CR 201600419	Wallace R Hoggatt	08/24/2016	08/24/2016
Prosecuting Attorney Sara Ransom County Attorney		Defense Counsel Joseph DiRoberto Privately Retained	
Present Offense		Committed	Class NCIC
Ct. 1	13-1405A SEXUAL CONDUCT WITH MINOR	10/01/2015 - 04/21/2016	2F 1199N
A.R.S. 13-1405(A), 13-1405(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901, and 13-902		Guilt By Plea/A <input checked="" type="checkbox"/> Victim	
Arrested	Incarcerated	Released	Jail Days Custody Type
04/21/2016	04/21/2016	08/24/2016	125 In Prison
Total Jail Days		125	
Ct. 2	Conspiracy to Commit 13-1405A SEXUAL CONDUCT WITH MINOR	10/01/2015 - 04/21/2016	2F C1199N
A.R.S. 13-1405(A), 13-1405(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901, and 13-902		Guilt By Plea/A <input checked="" type="checkbox"/> Victim	
Arrested	Incarcerated	Released	Jail Days Custody Type
04/21/2016	04/21/2016	08/24/2016	125 In Prison
Total Jail Days		125	
CR 201600521	Wallace R Hoggatt	08/24/2016	08/24/2016
Prosecuting Attorney Sara Ransom County Attorney		Defense Counsel Joseph DiRoberto Privately Retained	
Present Offense		Committed	Class NCIC
Ct. 3	Attempt to Commit 13-1405A SEXUAL CONDUCT WITH MINOR	10/01/2015 - 04/21/2016	3F A1199N
A.R.S. 13-1001, 13-1405(A), 13-1405(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901 and 13-902		Guilt By Plea/A <input checked="" type="checkbox"/> Victim	
Arrested	Incarcerated	Released	Jail Days Custody Type
04/21/2016	04/21/2016	08/24/2016	125 In Prison
Total Jail Days		125	

Executive Order 2014-01

Establishing a Cabinet-Level Child Safety and Family Services Division

WHEREAS, the safety of all children in the State of Arizona is of the utmost importance; and

WHEREAS, every child has the right to a safe environment and protection from harm; and

WHEREAS, throughout the United States and Arizona the unconscionable failure of some in society to care for and protect children is a long-standing problem; and

WHEREAS, the child welfare system in Arizona should promote and prioritize the safety of children and inspire public confidence; and

WHEREAS, it is necessary to continuously monitor and review the effectiveness of the child welfare system's delivery of services and efficient utilization of resources and consider reforms to enhance child safety when appropriate; and

WHEREAS, the current Arizona child welfare system is broken and is not meeting expectations of prior reform efforts and it is time for significant reform; and

WHEREAS, A.R.S. § 41-1954 requires the Department of Economic Security, among other functions, to administer child welfare services to children, youth and families; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and A.R.S. § 41-101 provide that the Governor shall transact all executive business, supervise the official conduct of all executive officers, and ensure the laws be faithfully executed; and

WHEREAS, A.R.S. § 41-1953 allows for the establishment, abolishment or reorganization of the organizational units within the department in order to carry out the department's statutory functions; and

WHEREAS, the Division of Children, Youth and Families and the Office of Child Welfare Investigations are currently located within the Department of Economic Security; and

WHEREAS, the Division of Children, Youth and Families houses the state child welfare program, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program; and

WHEREAS, the Office of Child Welfare Investigations is charged with investigating criminal conduct allegations of child abuse and neglect; and

WHEREAS, A.R.S. § 41-1969.01 states that the Director of the Department of Economic Security is responsible for the direction, operation and control of the Office of Child Welfare Investigations; and

WHEREAS, an independent, stand-alone organizational and direct reporting structure for the state child welfare program will ensure the effective delivery of services and efficient utilization of resources, providing appropriate outcomes for children, youth and families through transparency, increased accountability and coordinated service delivery; and

WHEREAS, maintaining operational support for the state child welfare program within the Department of Economic Security until a permanent, separate agency is established will allow for maximum administrative and financial efficiency in the short-term.

Executive Order 2014-01

Page 2

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. The Division of Children, Youth and Families is abolished and the Division of Child Safety and Family Services is established. The Director of the Division of Child Safety and Family Services shall oversee and direct all administrative, programmatic, and management functions of the state child welfare program, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program.
2. The Office of Child Welfare Investigations shall also report to the Director of the Division of Child Safety and Family Services.
3. The Director of the Division of Child Safety and Family Services shall report directly to the Governor on all administrative and policy matters involving child welfare, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program.
4. The Director of the Division of Child Safety and Family Services shall administer the budgets of the state child welfare program and the Office of Child Welfare Investigations separate and distinct from one another.
5. The Director of the Division of Child Safety and Family Services shall consider the recommendations of the Independent Child Advocate Response Examination Team (CARE Team), as directed by the Governor, for the purpose of improving services, practices and outcomes for children, youth and families.
6. The Director of the Division of Child Safety and Family Services shall collaborate with the Governor's Office and with stakeholders, including the Arizona Legislature, in the development of a permanent, separate agency – autonomous from the Department of Economic Security – for state child welfare programs and services.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
GOVERNOR

DONE at the Capitol in Phoenix on this thirteenth day of January in the Year Two Thousand Fourteen and of the Independence of the United States of America the Two Hundred and Thirty-Eighth.

ATTEST:

Kyle Blumeth
Secretary of State

Person/Attorney Filing: Lynne M Cadigan
Mailing Address: 504 South Stone Avenue
City, State, Zip Code: Tucson, AZ 95701
Phone Number: (520)622-6066
E-Mail Address: lmcadigan@cadiganlawfirm.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 009044, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: State of Arizona

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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of COCHISE

SIGNED AND SEALED this date: *March 29, 2022*

Amy Hunley
Clerk of Superior Court

By: *APICKETT*
Deputy Clerk



Person/Attorney Filing: Lynne M Cadigan
Mailing Address: 504 South Stone Avenue
City, State, Zip Code: Tucson, AZ 95701
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: Catholic Community Services of Southern Arizona, INC

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Amy Hunley
Clerk of Superior Court

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Deputy Clerk



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: Arizona Partnership for Children, LLP

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: Catholic Charities Community Services, INC

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Amy Hunley
Clerk of Superior Court

By: *APICKETT*
Deputy Clerk



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: The Devereux Foundation, DBA Devereux Advanced Behavioral Health

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Deputy Clerk



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: Barbara Frodsham

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: David Frodsham

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: Jane/John Roes 1-50

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Amy Hunley
Clerk of Superior Court

By: *APICKETT*
Deputy Clerk



Person/Attorney Filing: Lynne M Cadigan
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(If Attorney) State Bar Number: 009044, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham

Plaintiff(s),

Case No. S0200CV202200149

v.

State of Arizona, et al.

SUMMONS

Defendant(s).

To: Roe Corporations 1-50

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Amy Hunley
Clerk of Superior Court

By: *APICKETT*
Deputy Clerk



FILED
Amy Hunley
CLERK, SUPERIOR COURT
03/29/2022 7:35AM
BY: APICKETT
DEPUTY
Case No.: S0200CV202200149
HON.

Person/Attorney Filing: Lynne M Cadigan
Mailing Address: 504 South Stone Avenue
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Trever Frodsham
Plaintiff(s),
v.
State of Arizona, et al.
Defendant(s).

Case No.

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Cochise County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Lynne M Cadigan /s/
Plaintiff/Attorney for Plaintiff

Person/Attorney Filing: Lynne M Cadigan
Mailing Address: 504 South Stone Avenue
City, State, Zip Code: Tucson, AZ 95701
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Discovery Tier Level 3

RUSING LOPEZ & LIZARDI, P.L.L.C.
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Michael J. Rusing; mrusing@rllaz.com
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State Bar No. 010335; PAN 330131
Sarah S. Letzkus; sletzkus@rllaz.com
State Bar No. 027314; PAN 66655
Attorneys for Defendant, State of Arizona

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

TREVER FRODSHAM, by and
through conservator, Fleming and Curti,
PLC,

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY
SERVICES OF SOUTHERN
ARIZONA, INC., an Arizona non-
profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN,
LLP, an Arizona limited liability
partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an
Arizona corporation; THE
DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCE
BEHAVIORAL HEALTH and
DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA,
a Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an
individual; JANE AND JOHN ROES 1-
50, individuals; and ROE

NO. S-0200-CV-202200149

NOTICE OF APPEARANCE

(Assigned to Hon. _____)

1 CORPORATIONS 1-50, entities of
2 form unknown,
3 Defendants.

4 Notice is hereby given that Michael J. Rusing, Mark D. Lammers, and Sarah S.
5 Letzkus of the law firm of Rusing Lopez & Lizardi, P.L.L.C., make an appearance as attorney
6 of record for Defendant, State of Arizona. All future pleadings, correspondence and other
7 papers related to this matter should be directed to counsel as follows:

8 Michael J. Rusing (mrusing@rllaz.com)
9 Mark D. Lammers (mdlammers@rllaz.com)
10 Sarah S. Letzkus (sletzkus@rllaz.com)
11 Rusing Lopez & Lizardi, P.L.L.C.
12 6363 N. Swan Road, Suite 151
13 Tucson, Arizona 85718
14 Telephone: 520-792-4800
15 Facsimile: 520-529-4262

16 DATED this April 7, 2022.

17 **RUSING LOPEZ & LIZARDI, P.L.L.C.**

18 /s/ Mark D. Lammers

19 Michael J. Rusing
20 Mark D. Lammers
21 Sarah S. Letzkus
22 *Attorneys for Defendant, State of Arizona*
23
24
25

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

1 ORIGINAL of the foregoing e-filed
2 this April 7, 2022.

3 COPY e-served this April 7, 2022 to:

4 Lynne M. Cadigan
5 Taylor W. Boren
6 Cadigan Law Firm, PLLC
7 504 S. Stone Ave.
8 Tucson, AZ 85701
9 lmcadigan@cadiganlawfirm.com
10 tboren@cadiganlawfirm.com
11 *Attorneys for Plaintiff*

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13
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15
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By: /s/ Elizabeth S. Machin

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

TREVER FRODSHAM, by and
through conservator, Fleming and Curti,
PLC,

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY
SERVICES OF SOUTHERN
ARIZONA, INC., an Arizona non-
profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN,
LLP, an Arizona limited liability
partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an
Arizona corporation; THE
DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCE
BEHAVIORAL HEALTH and
DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA,
a Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an
individual; JANE AND JOHN ROES 1-
50, individuals; and ROE

NO. S-0200-CV-202200149

**NOTICE OF CHANGE OF VENUE
PURSUANT TO A.R.S. § 12-822(B)**

(Assigned to Hon. _____)

CORPORATIONS 1-50, entities of
form unknown,
Defendants.

Defendant, State of Arizona, hereby provides notice, pursuant to Arizona Revised Statutes ("A.R.S.") § 12-822(B), of its demand for change of venue to Maricopa County.

A.R.S. § 12-822(B) provides:

In an action against this state upon written demand of the attorney general, made at or before the time of answering, served upon the opposing party and filed with the court where the action is pending, the place of trial of any such action *shall* be changed to Maricopa county.
Emphasis added.¹

WHEREFORE, based upon the foregoing, Defendant, State of Arizona, respectfully requests that this Court enter an order transferring venue of the action to the Maricopa County Superior Court.

DATED this April 7, 2022.

RUSING LOPEZ & LIZARDI, P.L.L.C.

/s. Mark D. Lammers

Michael J. Rusing
Mark D. Lammers
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Attorneys for Defendant, State of Arizona

¹ See *State, Dep't of Corr. v. Fenton*, 163 Ariz. 174, 176, 786 P.2d 1025, 1027 (Ct. App. 1989)(Where representation of the state is delegated to private counsel by the Attorney General, counsel has authority to request mandatory change of venue pursuant to A.R.S. § 12-822(B))

1 ORIGINAL of the foregoing e-filed
2 this April 7, 2022.

3 COPY e-served this April 7, 2022 to:

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10 *Attorneys for Plaintiff Trevor Frodsham*

11 **ARIZONA SUPERIOR COURT**
 12 **COCHISE COUNTY**

13 TREVER FRODSHAM, by and through
 14 conservator, Fleming and Curti, PLC;

15 Plaintiff,

16 vs.

17 STATE OF ARIZONA, a body politic;
 18 CATHOLIC COMMUNITY SERVICES
 19 OF SOUTHERN AIZONA, INC., an
 20 Arizona non-profit corporation; ARIZONA
 21 PARTNERSHIP FOR CHILDREN, LLP,
 22 an Arizona limited liability partnership;
 23 CATHOLIC CHARITIES COMMUNITY
 24 SERVICES, INC., an Arizona corporation;
 25 THE DEVEREUX FOUNDATION, d/b/a
 26 DEVEREUX ADVANCED
 27 BEHAVIORAL HEALTH and
 28 DEVEREUX ADVANCED
 BEHAVIORAL HEALTH ARIZONA, a
 Pennsylvania non-profit corporation;
 DAVID FRODSHAM, an individual;
 BARBARA FRODSHAM, an individual;
 CLARENCE CARTER, in his personal and
 official capacity as Director of the Arizona
 Department of Economic Security; VICKI
 MARTZKE, in her personal and official
 capacity as an employee of the Arizona
 Department of Child Safety; JANE and
 JOHN ROES 1-50, individuals; and ROE

CASE NO.: S-0200-CV-202200149

FIRST AMENDED COMPLAINT FOR:

- (1) Negligence,
- (2) Negligence *Per Se*,
- (3) Gross/Aggravated Negligence
(Willful and Wanton Conduct),
- (4) *Respondeat Superior*/Vicarious
Liability/Agency,
- (5) Negligent and Grossly Negligent
Hiring/Retention/Supervision,
- (6) Assault and Battery,
- (7) Aggravated Assault and Battery,
- (8) Intentional Infliction of Emotional
Distress,
- (9) Vicarious Liability,
- (10) Ratification,
- (11) Violations of the Arizona
Constitution,
- (12) Breach of Fiduciary Duty,
- (13) Violations of Constitutional Rights
under 42 U.S.C. § 1983,
- (14) Punitive Damages,

(Tort—Non-Vehicle Non-Death Injuries)

(Tier 3)

CORPORATIONS 1-50, entities of form
unknown;

Defendants.

Plaintiff Trever Frodsham ("Plaintiff"), by and through undersigned counsel, for
this Complaint against Defendants, alleges:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Trever Frodsham ("Plaintiff") is 19 years old and a resident of
Cochise County, Arizona.

2. Plaintiff was born on July 11, 2002, and, at age one (1), the State of
Arizona removed him from his biological mother's home and placed him in the foster
care system as a ward under the care, custody, and supervision of the State of Arizona.

3. In or around February 2004, the State of Arizona placed Plaintiff in the
home of Defendant David Frodsham ("David" or "DF") and Defendant Barbara
Frodsham ("Barbara" or "BF") (collectively "the Frodshams"), as a foster child.
Approximately eight (8) years passed before the Frodshams eventually adopted Plaintiff.
Upon information and belief, Defendant Barbara Frodsham resides in Cochise County,
Arizona. In 2016, David Frodsham was charged with the sexual exploitation of Plaintiff's
brother. *See David Frodsham Pre-Sentencing Report*, attached as **Exhibit A**. He is
serving 17 years in prison in Arizona State Prison in Mohave County, Arizona.

4. Defendant State of Arizona is headquartered in Maricopa County, Arizona.
Defendant State of Arizona ("State") seeks to fulfill its statutory obligations to Arizona's
foster youth through a variety of State agencies and departments, all of which are State-
managed government agencies (and under the State's control), including at relevant
times: Department of Child Safety ("DCS"), formerly Child Protective Services ("CPS");
Department of Economic Security ("DES"); Division of Children, Youth and Families
("DCYF"); and Office of Licensing, Certification and Regulation ("OCLR"), formerly
Office of Licensing and Regulation ("OLR"); (collectively the "State" or "DCS").

///

1 5. All agencies and/or departments named in Paragraph 4, *supra*, are non-jural
2 entities, and the State is legally responsible for their acts and/or omissions, including the
3 acts and omissions of the employees, agents, partners, principals, servants, contractors,
4 joint venturers, volunteers and/or representatives of each, individually and collectively.
5 At all times relevant, the State ratified all acts and/or omissions complained of herein.

6 6. In addition to the management of its own agencies and departments, the
7 State also contracts with private agencies (collectively the “Agencies” or “Licensing
8 Agencies”) and/or affiliated individuals to assist in performing its legal obligations for
9 the care, safety, security, and/or furthering the best interests of the State’s wards.

10 7. Defendant Catholic Community Services of Southern Arizona, Inc.
11 (“CCS”) is an Arizona non-profit corporation with a principal place of business in Pima
12 County, Arizona. CCS is one of the Licensing Agencies with which the State contracted
13 to assist in performing the State’s legal nondelegable duties to Plaintiff. CCS negligently
14 and grossly negligently monitored the foster license assessment and foster placement of
15 Plaintiff and other children with the Frodshams. CCS negligently and grossly negligently
16 assembled, approved, and submitted Barbara and David’s application to foster Plaintiff.
17 CCS negligently and grossly negligently hired, trained, supervised, and/or educated its
18 staff to fulfill its duties of care to Plaintiff. CCS negligently and grossly negligently
19 monitored Plaintiff’s placement (and adoption) by Barbara and David Frodsham.

20 8. Defendant Arizona Partnership for Children, LLP (“AZPAC”) is an
21 Arizona limited liability partnership with a principal place of business in Maricopa
22 County, Arizona. AZPAC’s alleged purpose is to “provid[e] full integration of child
23 welfare and behavioral health services including case management on a statewide basis,
24 by direct service or subcontract, and for such other law business as the Partners may
25 agree from time to time.” In or around 1997, upon information and belief, multiple
26 corporations developed a general partnership, AZPAC, so that various entities could
27 work together, rather than compete against each other, when contracting to provide child
28 welfare services across Arizona. By the time of Plaintiff’s placement and abuse, upon
information and belief, AZPAC consisted of three corporations with equal interests in the
partnership: Catholic Charities Community Services, Inc. (“Catholic Charities”), The

1 Devereux Foundation (“Devereux”), and Catholic Community Services of Southern
2 Arizona, Inc. (“CCS”). Upon information and belief, the three corporations co-mingled
3 their finances within AZPAC. AZPAC is jointly liable for the conduct of its partner
4 organizations, including but not limited to Defendant CCS, which directly licensed and
5 monitored the Frodshams and placed Plaintiff in the Frodsham’s care and custody,
6 negligently and grossly negligently. AZPAC is one of the Licensing Agencies with which
7 the State contracted to assist in performing the State’s legal nondelegable duties to
8 Plaintiff. AZPAC facilitated Plaintiff’s placement with Barbara and David Frodsham,
9 resulting in Plaintiff’s years of abuse as a result of its negligence and gross negligence.

10 9. Defendant The Devereux Foundation (d/b/a The Devereux Foundation and
11 Devereux Advanced Behavioral Health Arizona) (“Devereux”) is a Pennsylvania
12 nonprofit corporation with a principal place of business in Delaware County,
13 Pennsylvania. At all times relevant, upon information and belief, Devereux was legally
14 responsible as a partner for the acts and/or omissions of CCS, AZPAC, and Catholic
15 Charities, either by supervising actions surrounding Plaintiff’s foster care placement,
16 ratifying the acts and/or omissions of its partners, and/or by its direct involvement in the
17 provision of child welfare services affecting Plaintiff.

18 10. Defendant Catholic Charities Community Services, Inc. (“Catholic
19 Charities”) is an Arizona corporation with a principal place of business in Maricopa
20 County, Arizona. Catholic Charities’ alleged purpose is, in part, to “help[] find loving
21 homes by facilitating adoption of children currently in foster care, assisting families with
22 licensing and training, special homes for children with medical needs and children
23 separated from their parents and families.” At all times relevant, upon information and
24 belief, Catholic Charities was legally responsible as a partner for the acts and/or
25 omissions of CCS, AZPAC, and Devereux, either by supervising actions surrounding
26 Plaintiff’s foster care placement, ratifying the acts and/or omissions of its partners, and/or
27 by its direct involvement in the provision of child welfare services affecting Plaintiff.

28 11. Roe Corporations 1-50 are fictitious names of parties and/or entities
currently unknown to Plaintiff, including but not limited to Agencies and/or Licensing
Agencies, who assisted the State in performing its legal obligations for the care, safety,

1 security, and/or furthering the best interests of the State's wards, and whose negligence
2 and/or gross negligence caused Plaintiff harm. At such time as their names are
3 discovered, Plaintiff will amend this Complaint to state their true identities.

4 12. The Defendants identified in Paragraph 4-11, *supra*, are collectively
5 referred to as "Entity Defendants."

6 13. Defendant Clarence Carter was the Director of the Arizona Department of
7 Economic Security ("DES") from around 2011 to 2015. He is sued in his personal and
8 official capacity, as the individual who, under the color of law, directly and indirectly
9 controlled and was responsible for the implementation of the policies and practices
10 designed to protect foster youth and investigate risks of child abuse, including those
11 policies, which through negligence and gross negligence in implementation, caused
12 Plaintiff's placement, adoption, and injuries. Plaintiff was adopted by the Frodsham home
13 during Defendant Carter's tenure as Director of DES, which managed CPS at the time.
14 Defendant Carter resigned from his director position around 2015. Upon information and
15 belief, Defendant Clarence Carter resides in Davidson County, Tennessee.

16 14. Defendant Vicki Martzke was a case manager, employed by DCS. She is
17 sued in her personal and official capacity, as an individual who, under the color of law,
18 was tasked, upon information and belief, to supervise Plaintiff with the Frodshams,
19 monitor/evaluate the Frodshams as a placement and/or prospective adoptive home, and
20 investigate Plaintiff's relatives in Iowa as a potential home. Martzke recommended
21 adoption of the Frodshams over Plaintiff's relatives in Iowa, which, upon information and
22 belief, followed improper evaluation of Plaintiff's relatives and denial of custody. Upon
23 information and belief, Defendant Vicki Martzke resides in Cochise County, Arizona.

24 15. John and Jane Roes 1-50 are fictitious names of individuals, including
25 employees of the State and/or Licensing Agencies, currently unknown to Plaintiff, whose
26 negligence and gross negligence caused Plaintiff harm. At such time as their names are
27 discovered, Plaintiff will amend this Complaint to state their true identities.

28 16. Entity Defendants, including but not limit to Defendants State, AZPAC,
CCS, Devereux, and Catholic Charities, negligently and grossly negligently hired,
trained, and supervised their staff when fulfilling their duties to Plaintiff.

1 17. The individual named Defendants were acting within the course and scope
2 of their employment and/or agency relationship with the State at all relevant times, so as
3 to render the State liable for their conduct under agency law and/or duty law.

4 18. The State's legal obligations to its wards are non-delegable, and the State
5 is, therefore, legally responsible for the tortious and/or grossly negligent acts committed
6 by the agencies, as well as the tortious and grossly negligent acts committed by David
7 Frodsham and Barbara Frodsham, as the custodians in whom the State entrusted Plaintiff.

8 19. Once a child is removed from his/her biological family home and becomes
9 a ward of the State, the State and the Licensing Agencies have a duty and obligation to
10 ensure that each foster care placement is suitable and in the best interest of the child.

11 20. The State and its Licensing Agencies have an obligation to ensure that the
12 ward is being provided with reasonable care, is safe and protected from harm, and is
13 receiving proper and regular supervision, which means the State must conduct routine
14 foster home visits (to the proper standard of care) to confirm that the needs of each child
15 are met in accordance with the State's policies, procedures, rules, and/or regulations.

16 21. The State and each Defendant, individually and collectively, is legally
17 responsible for the intentional, reckless, negligent and grossly negligent acts/omissions
18 and resultant damages described herein.

19 22. Plaintiff asserts his claims against Defendants for violations of Plaintiff's
20 rights under Arizona law and the U.S. Constitution.

21 23. The Court has jurisdiction over the subject matter of this action, pursuant to
22 Article IV, § 14 of the Arizona Constitution and A.R.S. § 12-123.

23 24. The Court has personal jurisdiction over the parties in this lawsuit.

24 25. Defendants caused acts or events to occur within Cochise County, Arizona,
25 out which Plaintiff's claims arise.

26 26. Venue is proper in this Court pursuant to A.R.S. § 12-401.

27 27. With regard to various claims set forth below, Plaintiff has complied with
28 the provisions of A.R.S. § 12-821.01 by filing a notice of claim against the above-named
State Defendant. Due to the emotional, mental, and/or psychological injuries of Plaintiff
resulting from Defendants' severe abuse, Plaintiff has been of "unsound mind," tolling

1 the statute of limitations under A.R.S. § 12-502. 60 days have passed since Plaintiff
 2 served the State with his notice of claim. Thus, Plaintiff's notice of claim is deemed
 3 denied, and Plaintiff may proceed with the present causes of action against the State.

4 28. Given that discovery in this case has not yet commenced, this Complaint
 5 may need to be amended in the future to add additional facts, details, parties, and/or
 6 claims.

7 29. Pursuant to Ariz. R. Civ. P., Rule 8 and Rule 26.2, Plaintiff certifies this
 8 action under Tier 3, including for purposes of discovery.

9 **FACTUAL ALLEGATIONS**

10 ~~30.~~ The State of Arizona has, for years, been fully aware of the inadequate
 11 safety measures of Child Protective Services and, later, its successor organization—the
 12 Department of Child Safety ("DCS"). These inadequacies and chronic failure of the State
 13 of Arizona to protect its foster youths *directly resulted in* the creation of DCS. *See*
 14 Governor Jan Brewer's Executive Order 2014-01, attached as **Exhibit B**. Children taken
 15 by the State from problematic homes are the most vulnerable children in the State. These
 16 children, like Plaintiff, are willfully taken into the legal custody of the State, ostensibly to
 17 protect them from further abuse. However, these children often suffer even more abuse
 18 once in the "care" of the State. The historical pattern of the State's failure to protect the
 19 children in its care has been well-documented in the reports commission by the State, and
 20 it forms the basis underlying the present case. The entity of CPS was removed from DES
 21 and converted into its own agency, the Department of Child Safety ("DCS"), during
 22 Defendant Clarence Carter's tenure as Director of DES. Defendant Clarence Carter was
 23 also the Director of DES during Plaintiff's foster placement and adoption by the
 24 Frodshams in 2011. Upon information and belief, this dramatic restructuring followed the
 25 discovery of more than 6,500 uninvestigated reports of child abuse and neglect, which
 26 involved accounts that workers shelved thousands of abuse or neglect reports in order to
 27 ease field investigators' workloads in supervising children, including foster children.

28 **A. Initial Foster Care Licensing.**

31. At all times relevant, Defendants David Frodsham and Barbara Frodsham
 were a married couple that resided in Sierra Vista, Cochise County, Arizona.

1 32. In or around 2002, the Frodshams' biological teenage son befriended a new
2 classmate, Neal Taylor¹, who happened to be living in a group home and was a ward of
3 the State.

4 33. Not long after being introduced to Neal Taylor, the Frodshams decided to
5 become his foster parents and applied for a foster care license.

6 34. The State contracted with Licensing Agencies (including but not limited to:
7 AZPAC and, in particular, CCS), to assist the Frodshams in their foster care license
8 application and these Licensing Agencies (including but not limited to CCS) were tasked
9 with conducting home studies, following up on and investigating allegations of abuse and
10 neglect, and providing reports to the State regarding the status of the Frodshams' home.

11 35. As a Licensing Agency, the design of CCS, in particular, meant that CCS
12 only received compensation from the State if the State issued a foster license, thus
13 incentivizing the issuance of a foster license regardless of the fitness of the foster parents.

14 36. Based on information and belief, in or around August 2002—during the
15 initial licensing application process—the Frodshams' biological daughter, then
16 approximately 13 years old, reported to the Sierra Vista Police Department ("SVPD")
17 that her then approximately 16-year-old brother in the Frodsham home had forcibly
18 sexually assaulted her around 15 to 20 times over the course of several years.

19 37. After receiving the report, SVPD investigated these allegations, and based
20 on information and belief, the report concluded that incestual sexual abuse was occurring
21 in the Frodshams' home between the Frodshams' biological children.

22 38. Based on information and belief, SVPD's investigation report was available
23 to the State, its Licensing Agencies, and the Frodshams during the time in which the
24 Frodshams' foster care application had been submitted; at the time, the Frodshams' foster
25 care application, however, was still under review and not yet approved by the State.

26 ¹ Neal Taylor is alleged to be the first foster child victim that was sexually abused by
27 David Frodsham. On or around May 21, 2020, Neal Taylor filed a lawsuit in Cochise
28 County, Arizona, against the State and various licensing agencies. *See Neal Taylor v.*
 State of Arizona, et al., S0200CV202000242.

1 39. The State conducted its own superficial investigation into the SVPD report
2 of incestual sexual abuse; however, evidence shows this investigation was substandard
3 and incomplete and, because of this, resulted in an “unsubstantiated” finding by DCS.

4 40. Despite having information related to the report of incestual abuse, and in
5 addition to information revealing David and Barbara Frodsham falling short of the
6 applicable licensing requirements and/or despite an incomplete evaluation, the State
7 issued David and Barbara Frodsham a foster care license. This evaluation by the State
8 and its Licensing Agencies was superficial and substandard, overlooking numerous “red
9 flags” that, as a matter of State policy, demanded the State’s diligent investigation and
10 attention to ensure a child’s safety in a foster placement. For instance, the State and its
11 Licensing Agencies failed to identify that both David and Barbara Frodsham experienced
12 childhood sexual abuse of their own—a “red flag” the State is required to identify and
13 monitor for the protection of foster children. Barbara Frodsham even stated that, had she
14 *even been asked* about her own childhood sexual abuse, she would have openly discussed
15 it. The State’s failure to even *identify* “red flags” in the Frodsham home (must less,
16 address them) is without excuse, and at least one Licensing Agency, Defendant CCS, had
17 a financial incentive to ensure the Frodshams received a foster care license. On or around
18 October 22, 2002, the State approved David and Barbara Frodsham as foster parents.

19 41. The State and/or its Licensing Agencies knew and/or should have known
20 David Frodsham and Barbara Frodsham were a danger to Plaintiff and the other minor
21 children entrusted to their care and that the Frodshams were not suitable foster parents.

22 42. The State and its Agencies were negligent and grossly negligent in:
23 reviewing the Frodshams for eligibility in applying for a foster care license;
24 assisting/monitoring the Frodshams in applying for a foster care license and renewals of
25 their foster care license; and, ultimately, in placing Plaintiff in the Frodshams’ home.

26 **B. Plaintiff’s Placement with the Frodshams.**

27 43. Plaintiff Trever Frodsham, at age one (1), and his two brothers, were
28 removed from their biological mother’s care and placed in the foster care system,
rendering all three children wards of the State.

///

1 44. Having removed Plaintiff from his family home, the State became legally
2 obligated to care for Plaintiff and provide him with a safe place to reside, whether in a
3 foster home, group home, or adoptive home.

4 45. Once Plaintiff was removed from his family home, the State had an
5 obligation to ensure that Plaintiff's placements were safe and secure; and that Plaintiff
6 would be free from abuse, neglect, and harm in each placement for which he resided and
7 received care.

8 46. In or around 2004, the State and its agencies placed Plaintiff and his two
9 brothers in the home and in the care of David and Barbara Frodsham, who, on or around
10 late fall 2011 formally adopted the three boys.

11 47. There was, however, no need to keep the boys in the home of David and
12 Barbara Frodsham, as Plaintiff's great-aunt and great-uncle in Iowa wanted to provide
13 the boys with a permanent and loving home following removal from their parents.
14 Plaintiff's great-aunt and great-uncle were even *avored as placement over the*
15 *Frodshams as a matter of law* under the Adoption and Safe Family Act of 1997, as
16 Plaintiff's blood relatives. However, if the State allowed Plaintiff to relocate to the State
17 of Iowa, then the State of Arizona—already strapped for funds in its foster program—
18 would lose state-specific federal funds to an out-of-state family, like Plaintiff's extended
19 relatives. *See* Title IV-E of the Social Security Act; *see also* 42 U.S.C. §§ 672, 673.

20 48. Allowing Plaintiff's extended relatives to take custody of Plaintiff and his
21 brothers would alienate one of Arizona's very willing foster care placements, making
22 the State's foster placements more difficult; Barbara and David Frodsham repeatedly
23 accepted foster children, generating revenue for both the Frodshams and the State.

24 49. Meanwhile, upon information and belief, Plaintiff's extended relatives in
25 Iowa called the boys regularly; sent birthday cards and gifts; and, as the process
26 dragged on, sent numerous letters to the Juvenile Court (without any response) asking
27 when they would be permitted to have the boys. They took foster parent classes,
28 renovated their home, and prepared to parent three young children (including Plaintiff)
as their own biological children were out of the home and away at college.

///

1 50. Plaintiff had a chance to live with loving relatives in Iowa, but the State had
2 a motive to block this placement, keeping money and funding in-state. Upon information
3 and belief, Plaintiff's extended relatives in Iowa were actually *approved* for placement by
4 the home study, although DCS never informed them they had been approved nor were
5 Plaintiff's relatives provided a copy of the home study. Plaintiff's abusive foster
6 placement could have ended as early as 2005—*eleven years* before law enforcement
7 finally removed Plaintiff from the Frodsham horrors—meaning the Frodshams' foster
8 care placement and eventual adoption of Plaintiff never needed to happen at all.

9 51. After living as a foster child with the Frodshams for roughly seven years, the
10 Frodshams eventually adopted Plaintiff on or around late fall of 2011. This adoption
11 followed the recommendation of DCS case worker Defendant Vicki Martzke, despite the
12 litany of "red flags" about the Frodsham home. Upon information and belief, Defendant
13 Martzke had a personal relationship with Barbara Frodsham and met with Plaintiff's
14 relatives in Iowa. The facts surrounding Martzke's assessment of Plaintiff's relatives'
15 home and suitability as a prospective home (specifically Martzke's purported criticisms
16 of Plaintiff's relatives as allegedly unfit foster and/or adoptive parents) are actively
17 contested by Plaintiffs' relatives, raising issues with Vicki Martzke's credibility,
18 accuracy, and/or placement motivations. Thereafter, Plaintiff Trever Frodsham was
19 forced to endure relentless sexual, physical, mental, and emotional abuse for another *five*
20 *years* until law enforcement rescued him on or around April 21, 2016.

21 **C. Plaintiff's Life with the Frodshams Between 2004 and 2016.**

22 52. To the best of Plaintiff's recollection, before or around age six (6), David
23 Frodsham began sexually abusing him, which, when David Frodsham was home, would
24 occur approximately two (2) or three (3) times a week and did not end until David's
25 arrest in 2016, although Plaintiff's grooming began much earlier than his recalled abuse.

26 53. Plaintiff recalls that he was between the ages of approximately seven (7)
27 and (10) when David Frodsham began trafficking him and subjecting Plaintiff to repeated
28 sexual encounters with David Frodsham's various adult friends and/or acquaintances.

///

///

1 54. In addition to enduring sexual abuse himself, Plaintiff also witnessed David
2 Frodsham sexually abusing other foster children, including Plaintiff's older brother.²

3 55. Barbara Frodsham would also watch David Frodsham sexually abuse
4 Plaintiff and other foster children, possibly for her own voyeuristic sexual gratification,
5 and that Barbara Frodsham took no steps to stop or report the sexual abuse she saw.

6 56. In addition to the sexual abuse by David Frodsham and David Frodsham's
7 acquaintances and/or friends to whom David Frodsham trafficked Plaintiff, Barbara
8 Frodsham physically abused Plaintiff, both while a foster child and after his adoption.

9 57. Barbara and David Frodsham severely abused Plaintiff. Both David
10 Frodsham and Barbara Frodsham burned Plaintiff and his brothers with cigarettes.
11 Barbara routinely beat Plaintiff, including with belts, and blamed him for his own abuse.
12 Plaintiff was forced to witness his own brother's sexual abuse. Barbara repeatedly failed
13 to buy Plaintiff clothes and withheld meals, often to punish minor slights. Barbara
14 screamed at Plaintiff when he tried to protect himself or request food, beating him
15 viciously. Barbara liked displaying her power over Plaintiff, and she repeatedly bent
16 Plaintiff's finger back so forcibly that his joints cracked and swelled. Barbara would
17 respond to Plaintiff's cries for help with "stop crying, you're fine." As a result of this
18 abuse, Plaintiff feels he and his life have little meaning and that he has no voice.

19 58. The physical abuse Barbara Frodsham inflicted upon Plaintiff, and other
20 children, also included (but was not limited to): hair pulling; routine beatings with her
21 hands, brooms, belts, and/or other objects; throwing the foster children down the stairs;
22 locking the children inside of closets and outside the home (including during the heat of
23 summer); and forcing the children, including Plaintiff, to consume hot sauce.

24 59. Between in or around 2004 and 2016, various record reveal Plaintiff acting
25 out in ways consistent with enduring sexual and physical child abuse, including suicidal

26 ² Plaintiff's older brother, Ryan Frodsham, was sexually abused by David Frodsham and,
27 on or around September 12, 2018, filed a lawsuit in Maricopa County, AZ (which, was
28 transferred to Cochise County) against the State and Licensing Agencies. *See Frodsham*
v. State of Arizona, et al., S0200CV201900073.

1 writings, excessive and aggressive masturbation, and, in second grade and while at
2 school, Plaintiff was discovered engaging in sexually inappropriate behavior for his
3 age—clear “red flags” of childhood sexual and/or severe physical abuse.

4 60. Further documentation reveals that many of these incidents were reported
5 to the State but, like many other reported “red flags” regarding the Frodshams and issues
6 surrounding their foster/adoptive children, the State did not take these reports seriously.

7 61. Records show that reports about the Frodsham home revealed many
8 instances of physical abuse between 2002 and 2016 to the State and/or its Agencies.

9 62. On April 21, 2016, David Frodsham was arrested as he “was unable to
10 provide a safe environment and failed to provide adequate supervision to the children
11 while engaging in a sexual relationship with this 16 [year old] son both in and out of the
12 home, as well as facilitating sexual engagements between his son and other men, which
13 put the children at unreasonable risk of harm from sexual exploitation, assault, physical
14 danger, and emotional harm. A joint investigation was conducted between DCS, OCWI,
15 Sierra Vista Police Department (DR#16-14197), and the Department of Homeland
16 Security which resulted in David being arrested for sexual conduct with a minor, sexual
17 exploitation of a minor, and molestation of a child regarding incidents that had occurred
18 both in and outside of the home.”

19 63. On or around August 30, 2016, David Frodsham pled guilty to multiple
20 counts of sexual conduct with a minor, Plaintiff’s brother. David Frodsham was
21 sentenced to 17 years in prison for these crimes.

22 64. Thereafter, despite DCS’s *own psychiatrist* documenting Barbara
23 Frodsham’s inability to provide adequate care and protection for her children and
24 showing signs of a personality disorder making her unfit to care for her children, the State
25 nonetheless returned Plaintiff to the custody of Barbara Frodsham.

26 65. Upon his return to Barbara Frodsham’s custody, Barbara Frodsham
27 continued her vicious physical abuse of Plaintiff.

28 **D. Failure to Adequately Hire, Train, and/or Supervise.**

66. Between in or around 2002 and 2016, the State had access to approximately
38 police reports involving children residing in the Frodshams’ home, many of which

1 included behaviors that could have been (or were) inferred by the employees of the State
2 and/or its Licensing Agencies as sexual and/or physical abuse “red flags” that required
3 immediate in-depth investigations.

4 67. Defendants, individually and collectively, were negligent and grossly
5 negligent in: investigating the Frodshams’ application to be foster parents, licensing the
6 Frodshams as foster parents, placing Plaintiff in the Frodshams’ home, investigating
7 repeated reports of abuse and neglect in the Frodshams’ home, monitoring and
8 supervising Plaintiff’s placement in the Frodshams’ home, in protecting Plaintiff by
9 removing him from that home, and in returning Plaintiff to Barbara Frodsham.

10 68. Furthermore, Defendants were negligent and grossly negligent in their
11 hiring, training, and supervision of their own staff and the contractors retained to carry
12 out the responsibilities of screening/monitoring prospective or actual foster parents, the
13 placement of children, monitoring children, and investigating allegations of abuse.

14 **DAMAGES**

15 69. Plaintiff endured approximately twelve (12) years of sexual, physical,
16 mental, and/or emotional abuse because of Defendants’ negligence and gross negligence.

17 70. As a result of the foregoing acts of negligence and gross negligence,
18 Plaintiff has suffered incalculable and permanent physical damage and resulting
19 emotional damage, including regular suicidal thoughts because of his severe injuries
20 consistent with symptoms of post-traumatic stress disorder (PTSD), all of which are
21 damages that will require significant medical and psychological care for the duration of
22 his life. As a result of the abuse, Plaintiff is not competent to make most decisions about
23 his daily life, and Plaintiff cannot fully process the emotional harm inflicted upon him.
24 Defendants’ acts and/or omissions, including Plaintiff’s severe sexual and physical abuse
25 by the Frodsham, have been so severe, causing Plaintiff to be of “unsound mind.”

26 71. Plaintiff suffers from constant bouts of rage, anxiety, depression, and
27 symptoms consistent with severe PTSD. Plaintiff continues to act in a destructive manner
28 to both himself and those around him. He is unable to develop normal trust attachments
and has been diagnosed with anti-social personality disorder, a lifelong disorder which is

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1 nearly impossible to treat and has long-term manifestations. Plaintiff has historically self-
 2 medicated with drugs and alcohol to calm the seemingly never-ending flashing visions of
 3 the trauma he endured as a child. His trauma plays over and over in his mind, and he does
 4 not sleep for days at a time, which causes him to become manic, irritable, and aggressive.

5 72. Defendants' actions and/or omissions placed Plaintiff in situations where he
 6 was subjected to regular sexual, physical, mental, and emotional abuse, causing his rage
 7 and the primary reason Plaintiff cannot function as a normal individual in society.

8 73. Plaintiff will likely never be able to hold stable employment, maintain
 9 stable relationships, or be able to operate normally in society due to the years of sexual
 10 and physical abuse and neglect he endured at the hands of the Defendants.

11 74. As a result of the negligence and gross negligence of the Defendants in
 12 failing to properly license, protect, place, investigate, supervise, and/or monitor the care
 13 of Plaintiff in the Frodsham home, Plaintiff has suffered and will continue to suffer:

- 14 i. Emotional, psychological, and mental damages and resulting
 15 emotional trauma;
- 16 ii. Physical pain;
- 17 iii. Mental anguish;
- 18 v. Hedonic damages and loss of enjoyment of life;
- 19 vi. Loss of earning capacity and lost opportunity; and
- 20 vii. Reasonable and necessary medical expenses.

21 **CLAIMS FOR RELIEF**

22 **COUNT I**

23 **Negligence**

24 **Against All Defendants**

25 75. Plaintiff repeats and incorporates by reference the allegations contained in
 26 all paragraphs above as though fully set forth herein.

27 76. Defendants owed a duty of care to Plaintiff to ensure that Plaintiff's
 28 placement in the Frodsham home was safe and secure, and Plaintiff would be free from
 abuse, neglect, and harm in that home from when he was placed in foster care in or
 around 2004, when removed from his biological home, until he turned 18 years old.

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1 and Battery), -1204 (Aggravated Assault and Battery), -1404 (Sexual Abuse), -1405
 2 (Sexual Conduct with a Minor), -1417 (Continuous Sexual Abuse of a Child), -3553
 3 (Sexual Exploitation of a Minor), -3558 (Admitting Minors to Public Displays of Sexual
 4 Conduct), -3601 and -3601.01 (Domestic Violence), -3601.02 (Aggravated Domestic
 5 Violence), -3619 (Permitting Life, Health, or Morals of Minor to Be Imperiled by Abuse
 6 or Neglect), -3620 (Duty to Report Abuse), and -3623 (Child Abuse).

7 84. At the time of reviewing, and after approving, the Frodshams' foster care
 8 license application in or around 2002 through the time of David Frodsham's arrest in
 9 April 2016 (as well as upon Plaintiff's return to Barbara Frodsham's care following
 10 David Frodsham's arrest, despite a DCS psychiatrist noting her inability to care for or
 11 protect her children, where Barbara Frodsham thereafter continued to abuse Plaintiff),
 12 Defendants knew or should have known of the Frodshams' propensities to violate
 13 criminal and/or safety statutes, and such violations constitute negligence *per se*.

14 85. As a direct and proximate result of Defendants' acts and omissions,
 15 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
 16 damages including the loss of enjoyment of life, and loss of earning capacity, in an
 17 amount to be determined by a jury at trial.

18 **COUNT III**
 19 **Gross/Aggravated Negligence (Willful or Wanton Conduct)**
 20 **Against All Defendants**

21 86. Plaintiff repeats and incorporates by reference the allegations contained in
 22 all paragraphs above as though fully set forth herein.

23 87. Defendants engaged in willful or wanton conduct by their action and
 24 inaction and with reckless indifference to the rights or safety of Plaintiff, because
 25 Defendants knew or should have known that their action and/or inaction created an
 26 unreasonable risk of harm to Plaintiff, and that the risk to Plaintiff was so great it was
 27 highly probable that harm would result. Such gross negligence included but was not
 28 limited to the nature of the State's contracts with various Licensing Agencies, which
 incentivized quantity of foster care licenses over thorough vetting that could result in
 denial. The elevation of quantity of foster licenses over their quality invited clear danger.

1 the hiring of the independent contractor is, in and of itself, a dangerous selection.

2 93. At all times relevant, the negligent and grossly negligent and/or reckless
3 acts or omissions of the State employees/agents (including the actions of Licensing
4 Agencies and their employees/agents) were the types of actions employees, agents,
5 principals, contractors, joint venturers, servants, and/or representatives of the State were
6 authorized to perform within the course and scope of their employment, specifically to
7 conform to a particular standard of care to protect Plaintiff against foreseeable and
8 unreasonable risks of harm.

9 94. Those negligent and grossly negligent, and/or reckless acts and omissions
10 occurred substantially within the time and space limits authorized by the State, and such
11 acts or omissions were motivated by the purpose to further the State's obligations.

12 95. At all times relevant, the State is also liable for its employees/agents that
13 were acting *outside* of the course and scope of their employment. *See Schallock*, 189 Arz.
14 At 262, 941 P.2d at 1287 (citing Restatement (Second) of Agency 219(2)(d)); *see also*
15 *Nichols v. Frank*, 42 F.3d 503, 514 (9th Cir. 1994)).

16 96. At all times relevant, the State had a non-delegable duty to protect and
17 ensure the safety of Plaintiff, who was entrusted into its care and custody at the time
18 Plaintiff resided with the Frodshams, while the Frodshams were acting in their individual
19 capacities as agents of the State in their roles as foster parents. The State was negligent
20 and grossly negligent in providing supervision, care, and services to Plaintiff and failed to
21 ensure the safety and protection of him.

22 97. At all times relevant, the State employees/agents (including the Licensing
23 Agencies and their employees) engaged in the above-described misconduct with intent to
24 serve their own interests by knowingly and consciously disregarding substantial risks that
25 their conduct may significantly injure the rights of Plaintiff, and/or consciously pursued a
26 course of conduct knowing it created a substantial risk of significant harm to him. The
27 State knew or should have known about the dangers posed by these Licensing Agencies.

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98. As a direct and proximate result of Defendants' acts and/or omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

COUNT V
Negligent and Grossly Negligent Hiring/Retention/Supervision
Against All Defendants

99. Plaintiff repeats and incorporates by reference the allegations contained in all paragraphs above as though fully set forth herein.

100. Defendants had access to police investigations dating back to around 2002 indicating sexual abuse occurring within the Frodshams' home, involving minors. Defendants had a duty to properly investigate all past and present reports of abuse within the applicants' home as part of the foster/adoptive parent licensing/monitoring process.

101. Had Defendants fulfilled their duty to properly investigate the first report of sexual abuse around 2002, the Frodshams would never have been granted a foster care license, and Plaintiff would have never been placed in their care in 2004.

102. Upon information and belief, as early as around 2002, Defendants knew incestual sexual abuse occurred in the Frodshams' home and no reasonable and prudent person or agency would allow or enable them to be foster and/or adoptive parents.

103. Upon information and belief, Defendants knew that Defendants David and Barbara Frodsham were abusive parents and that no reasonable and prudent person or agency would allow or enable them to be foster and/or adoptive parents.

104. Upon information and belief, Defendants failed to enact proper safety regulations and/or failed to properly supervise the Frodshams by causing, or allowing to be caused, the abuse and neglect or endangerment of Plaintiff, despite knowing of the Frodshams' propensity for abusing and neglecting their children.

105. At all times relevant, Defendants were negligent, grossly negligent, and/or reckless in the licensing, retention, supervision, monitoring, and/or enablement of the Frodshams' abuse and neglect of Plaintiff.

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1 106. At all times relevant, Defendants were negligent, grossly negligent, and/or
2 reckless in the hiring, retention, supervision, monitoring and/or enablement of their
3 employees/agents responsible for investigating and supervising the Frodshams' care of
4 Plaintiff.

5 107. As a direct and proximate result of Defendants' acts and/or omissions,
6 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
7 damages including the loss of enjoyment of life, and loss of earning capacity, in an
8 amount to be determined by a jury at trial.

9 **COUNT VI**
10 **Assault and Battery**
11 **Against Defendants David Frodsham and Barbara Frodsham**

12 108. Plaintiff repeats and incorporates by reference the allegations contained in
13 all paragraphs above as though fully set forth herein.

14 109. At all times relevant, Defendants David Frodsham and Barbara Frodsham:
15 (1) intended to cause harmful or offensive contact with Plaintiff or cause Plaintiff
16 apprehension of an immediate harmful or offensive contact; (2) in actuality caused a
17 harmful or offensive contact with Plaintiff; and (3) Plaintiff suffered physical and
18 emotional damages as result of such conduct.

19 110. At all times relevant, Defendants knew David Frodsham and Barbara
20 Frodsham had propensities to violate the above-described acts of assault and battery in
21 violation of A.R.S. §§ 13-1203.

22 111. As a direct and proximate result of Defendants' acts and omissions,
23 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
24 damages including the loss of enjoyment of life, and loss of earning capacity, in an
25 amount to be determined by a jury at trial.

26 **COUNT VII**
27 **Aggravated Assault and Battery**
28 **Against Defendants David Frodsham and Barbara Frodsham**

 112. Plaintiff repeats and incorporates by reference the allegations contained in
all paragraphs above as though fully set forth herein.

113. At all times relevant, Defendants David Frodsham and Barbara Frodsham: (1) intended to cause harmful or offensive contact with Plaintiff or cause Plaintiff apprehension of an immediate harmful or offensive contact; (2) in actuality caused a harmful or offensive contact with Plaintiff with deadly, potentially deadly, and/or dangerous weapons, including but not limited to, leather belts and cigarettes; and (3) caused Plaintiff to suffer physical/emotional damages as result of such conduct.

114. At all times relevant, Defendants knew David Frodsham and/or Barbara Frodsham had propensities to violate the above-described acts of aggravated assault and battery in violation of A.R.S. §§ 13-1204. Such acts and/or omissions constitute negligence *per se* under Arizona law.

115. As a direct and proximate result of Defendants' acts and/or omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

COUNT VIII
Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct)
Against All Defendants

116. Plaintiff repeats and incorporates by reference the allegations contained in all paragraphs above as though fully set forth herein.

117. The continuous sexual, physical, and emotional abuse Plaintiff endured starting in or around 2004 by Defendants, including the Frodshams, was extreme and outrageous and done with the intent to cause Plaintiff emotional distress.

118. Defendants' conduct, including but not limited to Entity Defendants' conduct in failing to investigate, supervise, and report the abuse; overlooking "red flags" or abuse; and returning Plaintiff to Barbara Frodsham's care and home, despite DCS's own psychiatrist attesting to her inability to care for or protect her children (where she then continued to physically abuse Plaintiff); was extreme and outrageous, done intentionally and/or recklessly, and caused Plaintiff to suffer emotional distress.

119. As a direct and proximate result of Defendants' acts and/or omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional

1 damages including the loss of enjoyment of life, and loss of earning capacity, in an
2 amount to be determined by a jury at trial.

3 **COUNT IX**
4 **Vicarious Liability**
5 **Against Entity Defendants**

6 120. Plaintiff repeats and incorporates by reference the allegations contained in
7 all paragraphs above as though fully set forth herein.

8 121. At all times relevant, the negligent and grossly negligent actions of the
9 employees/agents of Entity Defendants (including but not limited to various Licensing
10 Agencies and their employees), and the Frodshams as foster parents, were the type of
11 actions those employees/agents were authorized to perform in the course and scope of
12 their employment and/or agency on behalf of the Entity Defendants, namely protecting
13 and providing supervision, care, and services, to foster children, including Plaintiff.

14 122. At all times relevant, those negligent and grossly negligent acts occurred
15 substantially within the time and space limits authorized by Entity Defendants. At all
16 times relevant, those negligent and grossly negligent acts were motivated by a purpose to
17 serve the Entity Defendants.

18 123. As a direct and proximate result of the negligent and grossly negligent acts
19 of their employees/agents, including the Frodshams, described herein, Entity Defendants
20 are vicariously liable for Plaintiff's emotional trauma, physical pain, mental anguish,
21 emotional damages including the loss of enjoyment of life, and loss of earning capacity,
22 in an amount to be determined by a jury at trial.

23 **COUNT X**
24 **Ratification**
25 **Against All Defendants**

26 124. Plaintiff incorporates the preceding paragraphs as though fully set forth
27 herein.

28 125. Defendants ratified and endorsed the abusive conduct of David Frodsham
and/or Barbara Frodsham by their concealment, cover-up, active disregard of known or
suspected risks, and failure to meaningfully address the ongoing physical and sexual

1 abuse of children under their care, including Plaintiff. Defendants ignored the abuse,
 2 concealed the abuse, failed to provide help to Plaintiff, and/or failed to meaningfully
 3 respond to known dangers about the Frodsham for years.

4 126. Defendants ratified and endorsed Barbara Frodsham and/or David
 5 Frodsham's behavior, because they continued to allow this abuse and/or known dangers
 6 of abuse to occur unchecked, unaddressed, and/or unreported for years. Defendants
 7 further ratified Barbara Frodsham's physical abuse of Plaintiff by ignoring the report of
 8 DCS's own psychiatrist, deeming Barbara unfit as a parent, yet returning Plaintiff to her
 9 custody. Barbara Frodsham continued her vicious, foreseeable physical abuse of Plaintiff.

10 127. This ratification also included the State's decision to enlist, employ, and
 11 contract with Licensing Agencies, including Entity Defendants, to license the Frodshams,
 12 monitor foster placements, and supervise Plaintiff, despite actions and/or omissions that
 13 the State and/or Licensing Agencies, including non-State Entity Defendants, knew or
 14 should have known, would result in continued child endangerment.

15 128. As a direct and proximate result of Defendants' conduct, Plaintiff has
 16 emotional trauma, physical pain, mental anguish, emotional damages including the loss
 17 of enjoyment of life, and loss of earning capacity, in an amount to be determined by a
 18 jury at trial.

19 **COUNT XI**
 20 **Violations of the Arizona Constitution**
 21 **Against All Defendants**

22 129. Plaintiff incorporates the preceding paragraphs, as though fully set forth
 23 herein.

24 130. By virtue of the acts and omissions described herein, Defendants violated
 25 Plaintiff's right to privacy, liberty interests, due process, and/or his right to be free from
 26 abuse and neglect.

27 131. Defendants, while acting in their individual and/or official capacities,
 28 violated Plaintiff's rights under Article II, Section VII (Due Process of Law) and Article
 II, Section VIII (Right to Privacy) of the Arizona Constitution.

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132. By authorizing, acquiescing in, and failing to properly investigate, report, and protect Plaintiff, Defendants violated Plaintiff's constitutional rights and/or protections under Arizona law, engaging in behavior that was negligent and grossly negligent, or reckless in its disregard or the endangerment and injuries of Plaintiff.

133. Plaintiff's constitutional rights—and indeed basic human rights—to reasonable safety and freedom from harm were violated by Defendants' failure to follow the State's own statutory and mandated rules and regulations to refrain from harming Plaintiff and/or to sufficiently investigate allegations of abuse and neglect, and the failure of Defendants to promulgate proper rules, regulations, practices, policies, and procedures explicitly designed to protect children, including Plaintiff.

134. Defendants' violation of such laws include, but are not limited to, A.R.S. § 12-541(1), A.R.S. §§ 47-3307(1) (Breach of Fiduciary Duty by Fiduciary), -3307(2) (Breach of Fiduciary Duty by Represented Person), A.R.S. §§ 13-1003(A) and (B) (Conspiracy), and -3620 (Duty to Report Abuse). At all times relevant, Defendants, knew or should have known of Defendants' propensities to violate A.R.S. §§ 13-1003(A) and (B) (Conspiracy), and -3620 (Duty to Report Abuse), felonies under Arizona law.

135. As a direct and proximate result of Defendants' acts and omissions, Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

COUNT XII
Breach of Fiduciary Duty
Against All Defendants

136. Plaintiff incorporates the preceding paragraphs, as though fully set forth herein.

137. All Defendants had a fiduciary duty to Plaintiff, either arising out of statute or common law as a "special relationship" and/or via a "state-created danger."

138. All of Defendants' actions in its failure to properly license his foster placement, monitor/supervise his placement, and/or adequately investigate known or

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1 suspected dangers relating to the Frodshams and/or children in their home were done
2 with either conscious disregard or deliberate indifference to Plaintiff's safety.

3 139. Entity Defendants' conduct in executing superficial licensing,
4 investigations, supervision of Plaintiff, despite risks that Defendants knew or should have
5 known, was extreme and outrageous, negligent and grossly negligent, and/or done
6 intentionally and/or recklessly.

7 140. Defendants David Frodsham and Barbara Frodshams' sexual and physical
8 abuse of Plaintiff violated their duty to keep Plaintiff safe from harm and injury.

9 141. As a direct and proximate result of Defendants' acts and omissions,
10 Plaintiff has suffered emotional trauma, physical pain, mental anguish, emotional
11 damages including the loss of enjoyment of life, and loss of earning capacity, in an
12 amount to be determined by a jury at trial.

13 **COUNT XIII**

14 **Violations of Constitutional Rights under 42 U.S.C. § 1983** 15 **Against All Defendants**

16 142. Plaintiff incorporates the preceding paragraphs, as though fully set forth
17 herein.

18 143. Defendants Clarence Carter and Vicki Martzke, and each of them, acted
19 under the color of state law and are sued in their individual and official capacities.

20 144. Plaintiff, at all times relevant herein, had constitutional rights, including the
21 right to due process, the right to liberty, and the right to privacy of his own body.
22 Plaintiff's constitutional rights were at all relevant times clearly established by law.

23 145. Defendants Carter and Martzke, by virtue of their employment, were
24 required to take adequate steps to ensure the safety of minor children, including foster
25 children, in the care and control of Defendants.

26 146. Defendants, including Defendants Carter and Martzke, failed to take steps
27 to ensure the safety and well-being of the children placed in the care and control of
28 Defendants, including Plaintiff.

147. The continual failure of the Defendants, including Carter and Martzke, to
ensure the safety of children, including foster children, in the care, custody, and control

1 of Defendants was widespread and pervasive so as to constitute a pattern of behavior and
2 practice demonstrating willful indifference and/or conscious disregard to the rights of
3 children, including foster children, placed in their care.

4 148. Defendants, including Carter and Martzke, promulgated, acted, and
5 implemented a *de facto* custom, practice and policy of willfully, recklessly, and/or
6 consciously disregarding the safety and well-being of children placed within the care and
7 control of Defendants, including Plaintiff.

8 149. The *de facto* custom, practice, and policy implemented by Defendants,
9 including Carter and Martzke, as described above, placed Plaintiff in a position where his
10 welfare and safety were endangered, violating his constitutional rights, including his right
11 to privacy, right to liberty, right to due process, and the right to the sanctity of his own
12 body.

13 150. Plaintiff's constitutional rights were violated by the custom, practice,
14 policy, official acts, and individual acts of Defendants, including Carter and Martzke,
15 who by their acts of negligence and gross negligence as well as deliberate indifference in
16 their actions relating to the care of children, harmed Plaintiff. Defendants, including
17 Carter and Martzke, violated Plaintiff's civil rights by their deliberate indifference and/or
18 conscious disregard in the foster placement, supervision, and adoption of Plaintiff.
19 Defendants' failure to implement and/or follow follows to adequately train, warn,
20 supervise, monitor, or put children in proper placements/adoptions, as well as their failure
21 to reasonably investigate risks of child abuse and/or accurately assess foster
22 placement/adoption with non-relatives over blood relatives pursuant to the law, violated
23 Plaintiff's constitutional rights, causing him harm.

24 151. Defendant Carter oversaw, staffed, supervised, and implemented the policy
25 for DES, while Plaintiff was a foster child and while Plaintiff was adopted by the
26 Frodshams around 2011. Shortly thereafter, it came to light that DES, under Defendant
27 Carter's tenure, had negligently and grossly negligent disregarded risks of child abuse for
28 over 6,500 children in the State's custody. DES's protection of minors was so poor that
CPS was ultimately removed from DES's control and converted into its own agency,

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1 DCS. Plaintiff alleges that Defendant Carter's behavior, in both an individual and official
2 capacity, was negligent and grossly negligence and jeopardized Plaintiff's well-being

3 152. Defendant Martzke, upon information and belief, maintained a close
4 relationship with Barbara Frodsham, prior to Barbara Frodsham's adoption of Plaintiff.
5 Upon information and belief, Defendant Martzke met with Plaintiff's relatives in Iowa.
6 The facts surrounding Martzke's assessment of Plaintiff's relatives' home and suitability
7 as a prospective home (specifically Martzke's purported criticisms of Plaintiff's relatives
8 alleged unfitness as foster and/or adoptive parents) are actively contested by Plaintiffs'
9 relatives, raising issues with Martzke's credibility, accuracy, and/or placement
10 motivations. Martzke allowed for continued foster placement by the Frodshams and
11 recommended adoption by the Frodshams, despite the litany of "red flags" in their home.
12 Plaintiff alleges that Defendant Martzke's behavior, in both an individual and official
13 capacity, was negligent and grossly negligence and jeopardized Plaintiff's well-being

14 153. Plaintiff alleges he incurred damage from abusive executive conduct,
15 enacted by employees/agents operating on behalf of the State. Plaintiff further alleges the
16 conduct was "arbitrary in the constitutional sense" to implicate the Due Process Clause,
17 as outlined in *Weatherford ex rel. Michael L. v. State*, 206 Ariz. 529, 533 (2003).

18 154. Plaintiff alleges Defendants, including individuals acting under the color of
19 law and on behalf of the State (including Carter and Martzke), acted with willful, wanton,
20 and deliberate indifference to the basic needs and rights of Plaintiff. These actions and/or
21 omissions include Carter and Martzke, individuals acting under the color of the law and
22 on behalf of the State, engaging in widespread failure to properly report, investigate,
23 and/or substantiate known, reasonably discoverable, and/or clear and convincing
24 indications of child abuse, child endangerment, neglect, and/or maltreatment of Plaintiff
25 and other similarly situated children throughout Cochise County and the State of Arizona.

26 155. Plaintiff further alleges that his treatment, placement with the Frodshams,
27 (and/or Defendants' actions and/or omissions in improperly placing, failing to monitor
28 Plaintiff, and/or returning Plaintiff to Barbara Frodsham's care despite a DCS
psychiatrist's warnings about her inability as a parent to care for or protect her children,
where she continued abusing Plaintiff) fell beneath the "broad and idealistic concepts of

1 dignity, civilized standards, humanity, and decency,” in Plaintiff’s constitutional rights.
2 *See Weatherford ex rel. Michael L. v. State*, 206 Ariz. 529, 534 (2003).

3 156. Plaintiff’s treatment by, placement/return with/to the Frodsham home,
4 and/or Defendants’ actions and/or omissions (including as the consequence of acts and/or
5 omissions of Carter and Martzke) in placing and failing to monitor Plaintiff as a child
6 constitutes negligence and gross negligence, recklessness, and/or deliberate indifference
7 to the known or obvious dangers to which Plaintiff was subjected by Defendants. These
8 actions and/or omissions created a “state-created danger,” resulting in Plaintiff’s harm.

9 157. Defendants’ failures, including the failures of Defendants Carter and
10 Martzke, amount to deliberate indifference to the rights of children, including Plaintiff,
11 entrusted to their care, which caused Plaintiff harm.

12 158. Defendants Carter and Martzke, acting as individuals and officials,
13 participated in creating dangerous conditions by their deliberate indifference and/or
14 conscious disregard to the safety of the children, including foster children, in their
15 custody. Their failure to enact and implement policies and procedures designed to protect
16 children, including failure to adequately investigate risks of child abuse, and/or
17 accurately assess foster child placement with non-relatives over blood relatives pursuant
18 to the law constituted deliberate indifference and/or conscious disregard of danger. As a
19 result, Plaintiff suffered severe injuries and a deprivation of his rights under the
20 Constitution, including but not limited to the Eighth and Fourteenth Amendments.

21 159. These failures were part of the Defendants’ (including Carter and Martzke)
22 policy, custom, pattern, and practice of violating the constitutional rights of children and,
23 as a result Plaintiff’s constitutional rights were violated.

24 160. The State and/or other Entity Defendants, ratified many of these
25 unconstitutional policies, practices, and/or procedures by Defendants Carter and Martzke,
26 by either turning a blind either to known or obvious dangers and/or covering up the abuse
27 committed by David and Barbara Frodsham, both before and after Plaintiff’s adoption.
28 This ratification included the intentional return of Plaintiff to Barbara Frodsham’s care
and home, despite DCS’s own psychiatrist warning of her inability to care for her
children. Thereafter, Barbara Frodsham continued her abuse of Plaintiff. This ratification

also included the State's decision to enlist, employ, and contract with Entity Defendants to supervise Plaintiff, despite actions and/or omissions that the State and/or Entity Defendants knew or should have known, would result in continued child endangerment.

161. As a direct and proximate result of Defendants' acts and omissions (including the acts and/or omissions of Carter and Martzke), Plaintiff suffered emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

162. Plaintiff is entitled to damages, attorneys' fees and costs, as well as punitive damages against Defendants Clarence Carter and Vicki Martzke, for Defendants' willful violations of Plaintiff's constitutional rights pursuant to 42 U.S.C. § 1983.

COUNT XIV
Punitive Damages
Against All Defendants (Except Defendant State of Arizona)

163. Plaintiff incorporates the preceding paragraphs, as though fully set forth herein.

164. Defendants consciously pursued a course of conduct, and/or engaged in a cover-up and/or concerted actions, knowing that it created (and perpetuated) a substantial risk and/or significant harm to Plaintiff, and Defendants committed acts and omissions so egregious and reprehensible that it can only be assumed that Defendants intended to injure Plaintiff, and/or that Defendants consciously disregarded the substantial risk of harm created by their conduct, such that Defendants' conduct was the result of an evil mind warranting the imposition of punitive or exemplary damages against them.

165. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered significant emotional trauma, physical pain, mental anguish, emotional damages including the loss of enjoyment of life, and loss of earning capacity, in an amount to be determined by a jury at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. For Plaintiff's damages in an amount to be proven at trial by jury;

1 B. For Plaintiff's incurred costs together with interest at the highest lawful rate
2 on the total amount of all sums awarded from the date of judgment until paid;

3 C. For the fair and reasonable monetary value of Plaintiff's past, present, and
4 future medical bills, pain, suffering, impairment, loss of enjoyment of life, and loss of
5 earning capacity;

6 D. For punitive and exemplary damages as allowed by Arizona State and
7 federal law;

8 E. For attorneys' fees incurred, including pursuant to 42 U.S.C. § 1983; and

9 F. For such other and further relief in law and equity as Court deems proper.

10 **DEMAND FOR JURY TRIAL**

11 Pursuant to Rule 38 of the Ariz. R. Civ. P. and A.R.S. § 12-1176, Plaintiff Trever
12 Frodsham demands a jury trial on all Counts so triable.

13 RESPECTFULLY SUBMITTED this 8th day of April, 2022.

14 **CADIGAN LAW FIRM, LLC**

15 /s/ Lynne M. Cadigan

16 Lynne M. Cadigan, Esq.

17 Taylor W. Boren, Esq.

18 *Attorneys for Plaintiff Trever Frodsham*
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**SUPERIOR COURT OF ARIZONA, COCHISE COUNTY
PATRICIA MUNOZ, CHIEF PROBATION OFFICER**

ADULT PROBATION DISPOSITION/COVER SHEET

NAME: David Wayne Frodsham

SENTENCING DATE: 08/24/2016 **SENTENCE TIME:** 14:00

SENTENCING JUDGE: Wallace R Hoggatt

CRIMINAL DIVISION: III

PROSECUTOR: Sara Ransom - County Attorney

DEFENSE: Joseph DiRoberto - Privately Retained

NEW OFFENSE

CAUSE No.: CR201600521 **CHARGE:** Count 3 Attempt to Commit 13-1405A
SEXUAL CONDUCT WITH MINOR
N 3 F

DISPOSITION: _____

FELONY__MISDEMEANOR__OPEN-END__RESTITUTION__FINE__REIMBURSEMENT

**ARIZONA SUPERIOR COURT IN COCHISE COUNTY
ADULT PROBATION DEPARTMENT**

REVISED PRESENTENCE REPORT- PART ONE

Defendant: David Wayne FRODSHAM

Sentencing Judge: Wallace R. Hoggatt

Case No: CR201600521

Sentencing Date: August 24, 2016

SENTENCE INFORMATION

On September 23, 2016 the Court ordered the probation officer to prepare new presentence reports for Cochise County Superior Court CR201600419 and Cochise County Superior Court CR201600521. The Court ordered the information in the new presentence reports to be consistent with the information presented at sentencing on August 24, 2016. Defense counsel then provided the transcript to the probation officer on October 13, 2016.

Charge:

Note: Counts 1 and 2 of the plea agreement are presented in the presentence report for Cochise County Superior Court CR201600419.

Count 3: From or about October 2015 through April 21, 2016, **David Wayne Frodsham** intentionally or knowingly attempted to commit sexual conduct with a minor under the age of 18 years when the Defendant was in a position of trust with the minor, to wit: The Defendant *attempted* to engage in sexual intercourse or oral sexual contact with R.F., the Defendant's 16-year-old adopted or foster son, in violation of **A.R.S. §§ 13-1001, 13-1405(A)(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901, and 13-902**, a class 3 felony and an amendment to Count 1 of the Direct Information in CR201600521.

Penalty:

Sentencing range for a Class 3 non-dangerous, non-repetitive felony offense:

2 years	2.5 years	3.5 years	7 years	8.75 years
Mitigated	Minimum	Presumptive	Maximum	Aggravated

The Court may impose a fine up to \$150,000 plus an 83 percent surcharge and grant probation up to life.

Defendant: David Wayne FRODSHAM

Case No: CR201600521

Mandatory Sentencing Provisions:

<u>A.R.S.</u>	<u>Requirement</u>
§ 13-603(I)	Community Supervision
§ 13-610	DNA sample
§ 13-3821(Q)	\$250 sex-offender registration assessment (no surcharge)
§ 13-3821	Sex-offender registration

Plea Agreement Stipulations/Special Terms:

The Court accepted the Defendant's guilty plea in Division III on August 24, 2016.

The State and the Defendant stipulate and agree to the following:

The Defendant shall register as a sex offender pursuant to A.R.S. § 13-3821, et seq.

The Defendant admits to the emotional harm to Victim RF.

Regarding Count 1, the Court will sentence the Defendant to 8.5 years in the Arizona Department of Corrections, to commence immediately upon sentencing by the Court. The parties acknowledge that this is a flat time sentence pursuant to A.R.S. § 13-1405(B) and the Defendant will serve the time day-for-day with no expectation of early release.

Regarding Count 2, the Court will sentence the Defendant 8.5 years in the Arizona Department of Corrections, to commence and run consecutively to the Defendant's completion of the term in Count 1 of the plea agreement. The parties acknowledge that this is a flat time sentence pursuant to A.R.S. § 13-1405(B) and the Defendant will serve the time day-for-day with no expectation of early release.

Regarding Count 3 listed in CR201600521, the Court will suspend sentence and place the Defendant on lifetime probation, to commence upon his release from prison and run consecutively to Counts 1 and 2 of the plea agreement.

The Defendant acknowledges and consents to amendments to all counts of the plea agreement as provided in Paragraph 15 of the Plea Agreement. As to Count 2 in particular, the Defendant acknowledges that the amendment substantively amends the charge to remove reference to conspiracy to commit sexual conduct with a minor

Defendant: David Wayne FRODSHAM

Case No: CR201600521

while the Defendant was in a position of trust and instead allege the completed crime of sexual conduct with a minor while the Defendant was in a position of trust. The Defendant consents to the amendments and acknowledges that the facts and evidence the State would be able to present at trial support the amendment to Count 2, as well as other amendments to the Indictment and Direct Information.

Because the Defendant agrees to lifetime probation on Count 3 following his prison terms on Counts 1 and 2, the Defendant waives community supervision.

The Defendant agrees to pay restitution to all the victims named in the original Indictment and Direct Information, even if they are not named within the specific charges to which the Defendant is pleading guilty. The Defendant understands he is jointly and severally liable for the entire restitution amount(s). The Defendant specifically agrees to make restitution to the victims for losses suffered as a result of the course of conduct of which the Defendant may only be a part. The Defendant agrees to pay restitution in the total amount up to \$5,000.00 if documented by the victims. *The victim representatives shall have up to 45 days after the date of sentencing in which to submit documentation in support of any restitution request.*

The Defendant will pay a fine of \$2,500.00 plus an 83 percent surcharge, for a total \$4,575.

The Defendant shall have no contact, direct or indirect, with Victim RF.

After consultation with Victim RF's representative, the State agrees that it will not pursue charges related to crimes perpetrated against Victim RF. The Defendant is aware that the State's investigation into other potential victims is on-going, and the State reserves the right to pursue charges as to other potential victims.

The following charges are dismissed or, if not yet filed, shall not be brought against the Defendant: Counts 1, 2, 5 and 6 of the Indictment in CR201600419. The Direct Information in CR201600521 contains a single count to which the Defendant is pleading guilty by this Plea Agreement, so there are no dismissals pertinent to that matter.

Co-defendant:

None

Defendant: David Wayne FRODSHAM

Case No: CR201600521

Related Case:

United States v. Randall Alexander Bischak
U.S. District Court, District of Arizona Docket CR16-1004-TUC-RM

Counts 1-3: Production of child pornography
Counts 4-6: Distribution of child pornography
Count 7: Possession of child pornography

Pending trial set for February 14, 2017.

STATEMENT OF OFFENSE

Law Enforcement Report Summary:

On December 9, 2015, a U.S. Department of Homeland Security Agent performing undercover Internet investigations determined that a user identified as *PupBrass* posted sexually explicit material depicting children into a chat group known as *Pedopicsandvidd*. Based upon the agent's review of the contents of the chats and postings, the agent determined *Pedopicsandvidd* was dedicated primarily to topics related to child sexual abuse and child pornography.

The agent downloaded four videos and six images from *PupBrass* that depicted children, some as young as toddlers, engaged in sexually explicit conduct, including oral and vaginal penetration of children by adults and children posing nude in sexually explicit poses with a focus on their genitalia. Three videos depicted the following:

An adult male forcing his erect penis into the vagina of a 2- to 3-year-old female child while the child cries for her *mommy*; an adult male forcing his erect penis into the mouth of an 8- to 10-year-old female child while he tells her to not look at the camera and shows her how he wants her to masturbate his penis; and, an adult male forcing his erect penis into the vagina of an 8- to 10-year-old female child while he switches positions for about two minutes showing different angles of the vaginal penetration.

In March 2016, Tucson Police Department undercover officers conducted chats and received downloads from *PupBrass*. After an undercover officer indicated he had two daughters, *PupBrass* asked for their age; asked if they had been previously *shared*; and, asked if they liked *cock*. *PupBrass* also expressed that he intended to do anything the undercover officer was willing to let him do with his daughters. *PupBrass* also told the undercover officer a 6-year-old child had stimulated his genitalia with his/her hands. He also sent a picture of a penis he claimed belonged to him and told the undercover officer to tell his 12-year-old daughters that *he wants pussy pie*.

Defendant: David Wayne FRODSHAM

Case No: CR201600521

An American Registry for Internet Numbers revealed the IP address associated with *PupBrass* was near Phoenix and registered to Cox Communications. On February 8, 2016, U.S. Department of Homeland Security served a summons on Cox Communications requesting the identity of *PupBrass*. On March 4, 2016, Cox Communications responded and identified the account subscriber as Randall Bischak at 1595 South Paseo La Paz in Sierra Vista, Arizona. After a week of surveillance on the residence, an agent executed a search warrant and secured computers, cellular telephones, electronic tablets, and CDs with digital data. A forensic examination of Bischak's cellular telephone revealed several applications related to child pornography.

During an interview with an agent, Bischak expressed that he was engaged in consensual sex with David Frodsham; he and Frodsham had discussed engaging in sexual contact with a toddler; Frodsham had sent a toddler into the bathroom with Bischak for sexual contact with the toddler; and, Bischak had sex with Frodsham's 16-year-old adopted son, RF.

Bischak showed the agent a picture of the toddler and expressed that Frodsham had previously sent the picture to him on a cellular telephone application. He also showed the agent pictures of RF exposing his penis and testicles. The agent then reviewed text messages between Bischak and Frodsham which revealed the following: Frodsham expressed that he would bring *the little ones* with him when they met for sex; and, Bischak brags about sex with underage boys including a 4-year-old boy.

Based upon Bischak's interview, an agent executed a search warrant at Frodsham's residence and secured computers, cellular telephones, and other digital media storage. During an interview with an agent, Frodsham expressed he was involved in an intimate sexual relationship with Bischak; he introduced RF to Bischak; he brought two toddlers to Bischak's residence when he and Bischak engaged in sex in the back bedroom; he and Bischak watched pornography but he was unable to see without his glasses; he sent Bischak pictures of toddlers; he was not involved in possessing or distributing child pornography; and, he has never involved the children he was responsible for in sexual acts.

A forensic examination of Frodsham's cellular telephone revealed two photographs depicting Frodsham in the bathtub naked with two naked toddlers.

On April 21, 2016, Bischak told an agent Frodsham introduced him and RF with the specific intention of them engaging in sexual activity. He expressed that he had a video of the three of them engaged in sexual activity. Further examination of Bischak's cellular telephone revealed videos of him and RF engaged in sexual activity with the dates of the videos corresponding to text messages between Bischak and Frodsham where Frodsham is making transportation arrangements for RF to Bischak's

Defendant: David Wayne FRODSHAM

Case No: CR201600521

residence. Agents arrested Bischak and booked him into federal custody. Agents also arrested Frodsham and booked him into the county jail.

Defendant's Statement:

The probation officer interviewed the defendant on July 12, 2016. He completed the presentence interview packet with no difficulty. The defendant was polite, cooperative, and appropriately answered all questions regarding the instant offense and his personal background. The defendant acknowledged that he pleaded guilty pursuant to a plea agreement.

The defendant was very remorseful regarding his criminal behavior and attributed his involvement in the instant offense to his therapy-unaddressed sexual victimization as a teenager and alcoholism. He provided the following written statements (paraphrased):

I regretfully engaged in despicable, lewd sexual misconduct with RF and a third party (Randall Bischak). I allowed RF to perform oral sex on myself and the third party. I innocently introduced RF to Bischak for the sole purpose of RF earning money performing yard work for Bischak. Granted, I knew both were interested in males. I was still shocked when I first learned Bischak had engaged in sexual activity with RF. RF then told me that Bischak agreed to buy him a fancy cellular telephone if he could arrange a threesome, and I foolishly agreed. Unbeknownst to RF or me, Bischak covertly filmed a portion of our sexual encounter.

I feel ignominious. Every sleepless night I pray to God to turn back the time. I can never forgive myself for violating the bond with RF. I betrayed him, but I am encouraged that he will recover because of his strength. I hope he receives treatment and counseling. Also, I can never forgive myself for the shame and humiliation I have caused to my family. They are devastated by my actions. They are supporting each other, and I have insisted they dissociate themselves with me.

I am fully responsible for the sordid act on RF and must be sent to prison for my penance. I am hopeful that I can do some goodwill in prison by teaching or mentoring less- fortunate individuals. I hope the Court can have mercy on me.

Victim's Statement:

Pursuant to A.R.S. §§ 13-4424 and 12-253(4), the probation officer sent a letter and telephonically contacted the victim representative, a Department of Child Safety case manager, to obtain information regarding the economic, physical, and psychological impact the criminal offense has had on the victim and the victim's immediate family.

Defendant: David Wayne FRODSHAM

Case No: CR201600521

The case manger expressed that RF received a kinship placement and is participating in counseling. The case manager provided no further information.

RISK/NEEDS ASSESSMENT

Offender Screening Tool (OST) Score:

RISK/NEEDS CLASSIFICATION - Male			
Low 0-5	Medium-Low 6-10	Medium-High 11-17	High 18-42
		14	

COMMUNITY SUPERVISION LEVEL				
Administrative Supervision	Standard Issue-Driven Supervision	Special Programs - Drug Court	Intensive Probation Supervision	Ineligible - Mandatory Incarceration

COLLATERAL INFORMATION

None

EVALUATION

Summary:

The 59-year-old defendant pleaded guilty, pursuant to a plea agreement, to attempted sexual conduct with a minor. The plea agreement stipulates that the Court will suspend sentence and place the Defendant on lifetime probation, to commence upon his release from prison on Counts 1 and 2 in Cochise County Superior Court CR201600419.

The screening tool suggests the defendant is a medium-high risk/needs offender. Based upon his medium-high risk/needs and the serious nature and circumstances of the offense, the lifetime probation-stipulated plea agreement is considered appropriate to protect the public from further crimes of the defendant and to provide the defendant with needed community-based correctional treatment in the most effective manner following his release from prison.

Therefore, it is respectfully recommended the Court place the defendant on probation for lifetime under the following terms and conditions:

Defendant: David Wayne FRODSHAM

Case No: CR201600521

Standard Conditions:

1-7, 8 (written permission for out-of-county travel); 9-15; 16 (no alcohol); 19 (no victim contact); 21 (deferred incarceration sanction); 22 (alcohol-free residence); 22 (Shall close all social media accounts including Facebook, Instagram, YouTube and others as directed by supervising probation officer; and 22 (Shall not have access to the internet without permission from supervising probation officer)

Time Credit Computation:

Date	Event	Days Credit
April 21, 2016	Initial Arrest	NA
August 24, 2016	Sentencing	125
Total Time Credit =		125

Mitigating and Aggravating Circumstances:

A.R.S. § 13-701(D) Aggravating Circumstances:

Regarding Counts 1 and 2, the Court finds in aggravation *emotional harm to the victim* pursuant to A.R.S. § 13-701(D) (9). Additionally regarding Count 2, the Court finds in aggravation *presence of an accomplice* pursuant to A.R.S. § 13-701(D) (4).

A.R.S. § 13-701(E) Mitigating Circumstances:

The Court finds *the Defendant has remorse for what he did to the victim in this case.*

Defendant: David Wayne FRODSHAM

Case No: CR201600521

Financial Assessments:

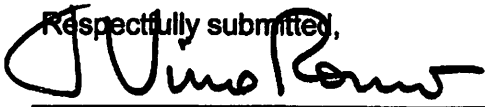
Probation Fees A.R.S. § 13-901	<u>\$75</u>
Probation Assessment A.R.S. § 12-114.01	<u>\$20</u>
Time Payment Fee A.R.S. § 12-116	<u>\$20</u>
Additional Assessment A.R.S. § 12-116.04 (Sierra Vista PD DR 16-14197)	<u>\$13</u>
Fine A.R.S. § 13-801	<u>\$2,500</u>
83 Percent Surcharge A.R.S. § 12-116	<u>\$2,075</u>
Indigent Defense Fee A.R.S. § 11-588*	<u>NA</u>
Attorney Fees**	<u>NA</u>
Sex-Offender Registration A.R.S. § 13-3821(Q)	<u>\$250</u>

* ** The defendant has retained legal representation.

Restitution

The Defendant agrees to pay restitution to all the victims named in the original Indictment and Direct Information, even if they are not named within the specific charges to which the Defendant is pleading guilty. The Defendant understands he is jointly and severally liable for the entire restitution amount(s). The Defendant specifically agrees to make restitution to the victims for losses suffered as a result of the course of conduct of which the Defendant may only be a part. The Defendant agrees to pay restitution in the total amount up to \$5,000.00 if documented by the victims. *The victim representatives shall have up to 45 days after the date of sentencing in which to submit documentation in support of any restitution request.*

Respectfully submitted,



J. Vince Romero
Deputy Adult Probation Officer
Bisbee Office (520) 432-8822



for Catherine Stevens
Supervisor Adult Probation Officer
Bisbee Office (520) 432-8820

Date: November 7, 2016

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
Sentencing Date: August 24, 2016

PRESENTENCE REPORT - PART TWO

ASSESSMENT SUMMARIES

Offender Screening Tool (OST) Domain Summary:

Static Risk Factors – Pre-existing personal characteristics or environmental conditions that increase the likelihood of criminal behavior or other negative outcomes and cannot be changed

Protective Factors – Current and pre-existing characteristics or environmental conditions that increase the likelihood of positive outcomes

Dynamic Risk/Need Factors – Current personal characteristics or environmental conditions that correlate to criminal conduct and negative outcomes but can be changed through targeted intervention

DOMAIN	SUMMARY
Family/Social Relationships SCORE: 6/8	<p style="text-align: center;">Static Risk Factors</p> <ul style="list-style-type: none"> • The defendant left home before age 16. • The defendant reported a childhood history of domestic violence. <p style="text-align: center;">Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant's current family relations are negative and non-existent. • The defendant's relationship with his wife is very strained, estranged, and pending divorce. • The defendant reported no references or peers. • The defendant reported no regular association with at least one pro-social person. <p style="text-align: center;">Protective Factors</p> <ul style="list-style-type: none"> • The defendant was raised by biological parents. • The defendant's parents or siblings had no criminal record during the defendant's formative years.

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
Sentencing Date: August 24, 2016

<p>Residence/ Neighborhood</p> <p>SCORE: 1/2</p>	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • None <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant's residential arrangement before his detention for the instant offense included the victim of the instant offense. <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant's residence was stable during the six months prior to his detention.
<p>Education</p> <p>SCORE: 1/3</p>	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • The defendant was suspended and/or expelled from school. <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • None <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant has a master's degree in strategic studies.
<p>Vocational/ Financial</p> <p>SCORE: 1/5</p>	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • None <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant is currently detained and unemployed. <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant has not been unemployed three or more times for 30-day periods during the past three years. • The defendant has not been fired or forced to resign during the past three years. • The defendant reported no current financial difficulties and an ability to satisfy obligations. • The defendant receives no financial assistance from family, friends, or public assistance.

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
Sentencing Date: August 24, 2016

Alcohol	<ul style="list-style-type: none"> • See Confidential Section
Drug Abuse	<ul style="list-style-type: none"> • See Confidential Section
Mental Health	<ul style="list-style-type: none"> • See Confidential Section
Physical Health/Medical SCORE: NA	<ul style="list-style-type: none"> • See Confidential Section
Attitude SCORE: 2/7	<p style="text-align: center;">Static Risk Factors</p> <ul style="list-style-type: none"> • None <p style="text-align: center;">Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • The defendant's self-assessment reveals values and beliefs supportive of crime. • The defendant's self-assessment also reveals values and beliefs non-conforming to societal norms. <p style="text-align: center;">Protective Factors</p> <ul style="list-style-type: none"> • The defendant expressed an affirmative acceptance of responsibility for the instant offense. • The defendant expressed amenability toward supervision. • The defendant expressed respect for authority. • The defendant expressed a fair motivation level for life improvements. • The defendant expressed an ability to be self-disciplined and achieve goals by conventional channels.

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
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<p>Criminal Behavior</p> <p>SCORE: 2/9</p>	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • The instant offense is a felony. • The instant offense is a crime of violence because it involves emotional harm.
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Additional Assessment Results:

Arizona Sex Offender Assessment Screening Profile and Regulatory Community Notification:

Sex Offense Risk Score 19 Lower Risk Range

General Recidivism Risk 15 Lower Risk Range

Suggested Community Notification Level 1

For Level 1 offenders, the local law enforcement agency that is responsible for notification shall maintain information about the offender. The local law enforcement agency may disseminate this information to other law enforcement agencies and may give notification to the people with whom the offender resides - A.R.S. §§ 13-3825 and 13-3826.

Adult Substance Use Survey- Revised (ASUS-R):

See Confidential Section

Defendant: David Wayne FRODSHAM

Sentencing Judge: Wallace R. Hoggatt

Case No: CR201600521

Sentencing Date: August 24, 2016

CONFIDENTIAL

FOR DISCLOSURE ONLY TO THE COURT, PROSECUTOR,
DEFENSE ATTORNEY, AND OTHER AUTHORIZED
CRIMINAL JUSTICE AGENCIES

VICTIM INFORMATION

Not Applicable

CONFIDENTIAL ASSESSMENT SUMMARIES

DOMAIN	SUMMARY
Alcohol SCORE: 1/3	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • The defendant has two alcohol-related arrests. <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • None <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant has not consumed alcohol since his only alcohol-related arrests in January 2015. • The defendant expressed an interest in positive behavioral changes related to alcohol.
Drug Abuse SCORE: 0/3	<p>Static Risk Factors</p> <ul style="list-style-type: none"> • None <p>Dynamic Risk/Need Factors</p> <ul style="list-style-type: none"> • None <p>Protective Factors</p> <ul style="list-style-type: none"> • The defendant reported no drug use during the past year. • The defendant reported no drug use during the month leading up to the instant offense. • The defendant expressed an interest in continuing to not use drugs; he has not used drugs for over 34 years.

Defendant: David Wayne FRODSHAM
Case No: CR201600521

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Mental Health SCORE: 0/2	Static Factors <ul style="list-style-type: none"> • None Current Needs <ul style="list-style-type: none"> • None
Physical Health/Medical SCORE: NA	Current Needs <ul style="list-style-type: none"> • The defendant takes medication for hypertension.

Additional Assessment Results:

Adult Substance Use Survey- Revised (ASUS-R):

The defendant participated in the ASUS-R. The self-assessment suggests the defendant reported the following:

SCALE	SELF-ASSESSMENT PROFILE
Alcohol and Other Drug (AOD) Involvement	<ul style="list-style-type: none"> • The defendant has a high level of lifetime alcohol involvement.
AOD Disruption	<ul style="list-style-type: none"> • The defendant has experienced a very high level of problems and/or negative consequences in life because of alcohol involvement.
AOD Involvement Past 6 months	<ul style="list-style-type: none"> • The defendant has a non-existent level of alcohol and/or drug involvement during the past six months.

Defendant: David Wayne FRODSHAM**Sentencing Judge: Wallace R. Hoggatt****Case No: CR201600521****Sentencing Date: August 24, 2016**

AOD Social and/or Psychological Benefits	<ul style="list-style-type: none"> The defendant has a very high level of alcohol involvement for social and/or psychological benefits.
Social Non-Conformance	<ul style="list-style-type: none"> The defendant has a low level of rebelliousness and/or anti-social behavior.
Lifetime Legal Non-Conformance	<ul style="list-style-type: none"> The defendant has a very low level of legal non-conformance.
Legal Non-Conformance Past 6 months	<ul style="list-style-type: none"> The defendant had a high level of legal non-conformance during the six months prior to detention.
Mood Adjustment	<ul style="list-style-type: none"> The defendant has experienced a high level of psychological and/or emotional disruption in life.
Psychosocial Disruption and Problems	<ul style="list-style-type: none"> The defendant is indicating a high level of past and/or current life-functioning problems and adjustment.
Defensive	<ul style="list-style-type: none"> The defendant is defensive when disclosing personal and/or sensitive information.
Motivation to Change	<ul style="list-style-type: none"> The defendant has a low level of motivation to seek help to make life changes with regard to alcohol and/or other drug problems and to stop or to continue to not use alcohol and/or other drugs.

Defendant: David Wayne FRODSHAM**Sentencing Judge: Wallace R. Hoggatt****Case No: CR201600521****Sentencing Date: August 24, 2016**

Strengths	<ul style="list-style-type: none"> The defendant perceives a very high level of strength with regard to managing life problems and/or handling issues in major life-functioning areas.
Suggested Services	<ul style="list-style-type: none"> Guidelines suggest regular weekly alcohol and/or other drug outpatient treatment services.

CRIMINAL HISTORY

The defendant and local, state, and national law enforcement agencies report the following:

Adult Felony Convictions:

None

Adult Misdemeanor Convictions:

None

Adult Pending:

<u>Date/Place</u>	<u>Offense</u>	<u>Disposition</u>
10/2015 through 04/21/2016 Sierra Vista, AZ	Counts 1-2: Sexual exploitation of minor Count 3: Sexual conduct with minor Count 4: Conspiracy to commit sexual conduct with minor Counts 5-6: Conspiracy to commit child molestation Cochise County Superior Court CR201600419 Instant Offense	08/24/2016: Pleaded guilty to amended Counts 3 and 4 of Indictment for dismissal of remaining counts
10/2015 through 04/21/2016 Sierra Vista, AZ	Count 1: Sexual conduct with minor Cochise County Superior Court CR201600521 Instant Offense	08/24/2016: Pleaded guilty to amended Count 1 of Direct Information

Defendant: David Wayne FRODSHAM
Case No: CR201600521

Sentencing Judge: Wallace R. Hoggatt
Sentencing Date: August 24, 2016

Adult Dismissed:

<u>Date/Place</u>	<u>Offense</u>	<u>Disposition</u>
01/06/2015 Sierra Vista, AZ	Disorderly conduct-fighting	Dismissed
01/06/2015 Sierra Vista, AZ	Agg DUI-passenger under age 15 (4 counts) Child abuse-reckless (4 counts)	Dismissed

Juvenile:

None

Other Legal Status and Detainers:

None

Respectfully submitted,



J. Vince Romero
Deputy Adult Probation Officer
Bisbee Office (520) 432-8822



for Catherine Stevens
Supervisor Adult Probation Officer
Bisbee Office (520) 432-8820

Date: November 7, 2016

COCHISE COUNTY CLIENT INFORMATION SHEET**David Wayne Frodsham****D.O.B. 08/23/1956 Age 60 APO Romero, Julian**

Residence ASPC - 4374 E Butte Ave Florence, Arizona 85232	Unit	Ethnicity White	Sex M
Phone		Eyes Hazel	Hair Brown
Message		D.O.B. 08/23/1956	Height 6 ft.
Employer Retired		P.O.B. Spokane, Washington United States	Weight 255 lbs.
	Suite		Language English
Occupation Personnel Director		SSN 533-62-3586	Citizen United States
Marital Married	Dependents 0	SID # AZ24137864	FBI # 269127JG7
Driver's LIC D07774570 - Valid			Allen # NA

Spouse / Relative / Children			
Barbara Frodsham	Spouse	59 yrs.	1274 Sunflower Way Sierra Vista, Arizona 85635
Jillian Frodsham	Daughter	32 yrs.	Department of Corrections Phoenix, Arizona
Jonathan Frodsham	Son	30 yrs.	Address Unknown Sierra Vista, Arizona 85635
Meagan Frodsham	Daughter	28 yrs.	Address Unknown Sierra Vista, Arizona 85635
William Frodsham	Brother	63 yrs.	Address Unknown Yakima, Washington
Sheryl Sansavoe	Sister	50 yrs.	Address Unknown Snohomish, Washington

TAT L ARM - Heart	*NCIC Scars, Marks and Tattoos
	TAT R ARM - Heart

COCHISE COUNTY CLIENT INFORMATION SHEET

David Wayne Frodsham

D.O.B. 08/23/1956 Age 60 APO Romero, Julian

Juvenile Justice Interventions

0	0	0	0	0	0	0	0	0
Referral	Adjudication	Probation	Intensive	Detention	DOJC	Parole	Transfer	Diversion

Criminal History

Misdemeanors	Felonies	General
Sex <input type="text" value="0"/>	Sex <input type="text" value="0"/>	Outstanding Warrant <input type="text" value="0"/>
Violence <input type="text" value="0"/>	Violence <input type="text" value="0"/>	Probation Revocation <input type="text" value="0"/>
Drug <input type="text" value="0"/>	Drug <input type="text" value="0"/>	Parole Revocation <input type="text" value="0"/>
Alcohol <input type="text" value="0"/>	Alcohol <input type="text" value="0"/>	Deportation <input type="text" value="0"/>
Nonviolent or Property <input type="text" value="0"/>	Nonviolent or Property <input type="text" value="0"/>	Escape <input type="text" value="0"/>
Total <input type="text" value="0"/>	Total <input type="text" value="0"/>	

Adult Justice Interventions

0	0	0	0	0	0	0	0	0	0
Deferred	Summary	Fine	Probation	Intensive	Diversion	Jail	Shock	Prison	Parole

Substance Abuse

Current Use:

Current Abuse:

Past Use: Marijuana ; Cocaine ; Speed/Meth ; LSD/PCP/Mushrooms ; Toxic Vapors

Past Abuse: Alcohol

Past Treatment Attempts

1	1	0	0	0	0	0
Anger Control	Alcohol	Drug	Domestic Violence	Mental Health	Sexual Deviancy	Financial Control

Education

MA, MS, PHD	No	Yes	No	No	Yes	Yes	N
Grade Completed	Special Ed	GED-HS Grad	Voc.or Tech.	A.A.	Bachelors	Post Graduate	W.R.A.T.

Screening Completed

Drug Court	Not Screened	Domestic Violence	Not Screened
SMAST	Not Screened	INS	Not Screened
Work Furlough	Not Screened	Intensive Probation Supervision	Not Screened
Juvenile Transfer/JTOP	Not Screened	Interstate Compact	Not Screened
Community Punishment Program	Not Screened	Sex Offender	Not Screened

COCHISE COUNTY CLIENT INFORMATION SHEET

David Wayne Frodsham

D.O.B. 08/23/1956 Age 60 APO Romero, Julian

Presentence Present Offense Summary

Case	Judge	Sentence Date	Plea/Verdict				
CR 201600419	Wallace R Hoggatt	08/24/2016	08/24/2016				
<table border="1"> <tr> <td>Prosecuting Attorney</td> <td>Sara Ransom County Attorney</td> <td>Defense Counsel</td> <td>Joseph DiRoberto Privately Retained</td> </tr> </table>				Prosecuting Attorney	Sara Ransom County Attorney	Defense Counsel	Joseph DiRoberto Privately Retained
Prosecuting Attorney	Sara Ransom County Attorney	Defense Counsel	Joseph DiRoberto Privately Retained				
Present Offense		Committed	Class NCIC				
Ct. 1	13-1405A SEXUAL CONDUCT WITH MINOR	10/01/2015 - 04/21/2016	2F 1199N				
A.R.S. 13-1405(A), 13-1405(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901, and 13-902		Guilt By Plea/A <input checked="" type="checkbox"/> Victim					
Arrested	Incarcerated	Released	Jail Days Custody Type				
04/21/2016	04/21/2016	08/24/2016	125 In Prison				
Total Jail Days		125					
Ct. 2	Conspiracy to Commit 13-1405A SEXUAL CONDUCT WITH MINOR	10/01/2015 - 04/21/2016	2F C1199N				
A.R.S. 13-1405(A), 13-1405(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901, and 13-902		Guilt By Plea/A <input checked="" type="checkbox"/> Victim					
Arrested	Incarcerated	Released	Jail Days Custody Type				
04/21/2016	04/21/2016	08/24/2016	125 In Prison				
Total Jail Days		125					
CR 201600521	Wallace R Hoggatt	08/24/2016	08/24/2016				
<table border="1"> <tr> <td>Prosecuting Attorney</td> <td>Sara Ransom County Attorney</td> <td>Defense Counsel</td> <td>Joseph DiRoberto Privately Retained</td> </tr> </table>				Prosecuting Attorney	Sara Ransom County Attorney	Defense Counsel	Joseph DiRoberto Privately Retained
Prosecuting Attorney	Sara Ransom County Attorney	Defense Counsel	Joseph DiRoberto Privately Retained				
Present Offense		Committed	Class NCIC				
Ct. 3	Attempt to Commit 13-1405A SEXUAL CONDUCT WITH MINOR	10/01/2015 - 04/21/2016	3F A1199N				
A.R.S. 13-1001, 13-1405(A), 13-1405(B), 13-1401, 13-105, 13-701, 13-702, 13-801, 13-901 and 13-902		Guilt By Plea/A <input checked="" type="checkbox"/> Victim					
Arrested	Incarcerated	Released	Jail Days Custody Type				
04/21/2016	04/21/2016	08/24/2016	125 In Prison				
Total Jail Days		125					

Executive Order 2014-01

Establishing a Cabinet-Level Child Safety and Family Services Division

WHEREAS, the safety of all children in the State of Arizona is of the utmost importance; and

WHEREAS, every child has the right to a safe environment and protection from harm; and

WHEREAS, throughout the United States and Arizona the unconscionable failure of some in society to care for and protect children is a long-standing problem; and

WHEREAS, the child welfare system in Arizona should promote and prioritize the safety of children and inspire public confidence; and

WHEREAS, it is necessary to continuously monitor and review the effectiveness of the child welfare system's delivery of services and efficient utilization of resources and consider reforms to enhance child safety when appropriate; and

WHEREAS, the current Arizona child welfare system is broken and is not meeting expectations of prior reform efforts and it is time for significant reform; and

WHEREAS, A.R.S. § 41-1954 requires the Department of Economic Security, among other functions, to administer child welfare services to children, youth and families; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and A.R.S. § 41-101 provide that the Governor shall transact all executive business, supervise the official conduct of all executive officers, and ensure the laws be faithfully executed; and

WHEREAS, A.R.S. § 41-1953 allows for the establishment, abolishment or reorganization of the organizational units within the department in order to carry out the department's statutory functions; and

WHEREAS, the Division of Children, Youth and Families and the Office of Child Welfare Investigations are currently located within the Department of Economic Security; and

WHEREAS, the Division of Children, Youth and Families houses the state child welfare program, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program; and

WHEREAS, the Office of Child Welfare Investigations is charged with investigating criminal conduct allegations of child abuse and neglect; and

WHEREAS, A.R.S. § 41-1969.01 states that the Director of the Department of Economic Security is responsible for the direction, operation and control of the Office of Child Welfare Investigations; and

WHEREAS, an independent, stand-alone organizational and direct reporting structure for the state child welfare program will ensure the effective delivery of services and efficient utilization of resources, providing appropriate outcomes for children, youth and families through transparency, increased accountability and coordinated service delivery; and

WHEREAS, maintaining operational support for the state child welfare program within the Department of Economic Security until a permanent, separate agency is established will allow for maximum administrative and financial efficiency in the short-term.

Executive Order 2014-01

Page 2

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. The Division of Children, Youth and Families is abolished and the Division of Child Safety and Family Services is established. The Director of the Division of Child Safety and Family Services shall oversee and direct all administrative, programmatic, and management functions of the state child welfare program, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program.
2. The Office of Child Welfare Investigations shall also report to the Director of the Division of Child Safety and Family Services.
3. The Director of the Division of Child Safety and Family Services shall report directly to the Governor on all administrative and policy matters involving child welfare, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program.
4. The Director of the Division of Child Safety and Family Services shall administer the budgets of the state child welfare program and the Office of Child Welfare Investigations separate and distinct from one another.
5. The Director of the Division of Child Safety and Family Services shall consider the recommendations of the Independent Child Advocate Response Examination Team (CARE Team), as directed by the Governor, for the purpose of improving services, practices and outcomes for children, youth and families.
6. The Director of the Division of Child Safety and Family Services shall collaborate with the Governor's Office and with stakeholders, including the Arizona Legislature, in the development of a permanent, separate agency – autonomous from the Department of Economic Security – for state child welfare programs and services.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
GOVERNOR

DONE at the Capitol in Phoenix on this thirteenth day of January in the Year Two Thousand Fourteen and of the Independence of the United States of America the Two Hundred and Thirty-Eighth.

ATTEST:

Kyle Blum
Secretary of State

FILED
 Amy Hunley
 CLERK, SUPERIOR COURT
 04/08/2022 2:46PM
 BY: APICKEIT
 DEPUTY

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001
 63 E. Pennington St., #102, Tucson, AZ 85702
 2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001
 Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737
 Client Matter Frodsham v. State of AZ
 Account # 0789
 Invoice # -----
 Liddy # 398405-7

IN THE JUSTICE COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF COCHISE

TREVER FRODSHAM,

Plaintiff(s) / Petitioner(s),

vs

STATE OF ARIZONA; ET. AL.,

CERTIFICATE OF SERVICE
 BY PRIVATE PROCESS SERVER
 Case No. S0200CV202200149

Defendant(s) / Respondent(s).

ENTITY/PERSON TO BE SERVED: David Frodsham (Inmate #313471)

PLACE OF SERVICE: ASP Kingman, Huachuca Unit, 4626 W. English Dr., Golden Valley, AZ 86413

DATE OF SERVICE: On the 6th day of April, 2022 at 10:39 AM County Mohave

☐ PERSONAL SERVICE ☒ Left a copy with a person authorized to accept service. ☐ At this usual place of abode, I left a copy with a person of suitable age and discretion residing therein.

Name of Person Served and Relationship/Title Served to Officer Cole, Correction Program Supervisor, who accepted on behalf of inmate David Frodsham as he was in solitary confinement and could not be personally served.

on 4/5/2022 we received the following documents for service:

Summons; Complaint; Certificate of Compulsory Arbitration

Received from CADIGAN LAW FIRM, PLLC, (Lynne M. Cadigan #00944)

PROCESS SERVER: Vicki Gorsline, #MH2021-00001

The undersigned states: That I am a certified private process server in the county of Mohave and am an Officer of the Court.

SIGNATURE OF PROCESS SERVER: Vicki Gorsline Date: 4/6/2022

Tax ID# 90-0533870
 I declare under penalty of perjury that the foregoing is true and correct and was executed on this date.

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001

63 E. Pennington St., #102, Tucson, AZ 85702

2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001

Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737

Client Matter

Account # 0789

Invoice # 35816

Liddy # 398405-6

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE**

TREVER FRODSHAM,

Plaintiff(s) / Petitioner(s),

vs

STATE OF ARIZONA, et al.,

Defendant(s) / Respondent(s).**CERTIFICATE OF SERVICE
BY PRIVATE PROCESS SERVER
Case No. S0200CV202200149****ORIGINAL****ENTITY/PERSON TO BE SERVED:** Barbara Frodsham**PLACE OF SERVICE:** 1274 Sunflower Way, Sierra Vista, AZ 85635**DATE OF SERVICE:** On the 6th day of April, 2022 at 1:40 PM County Pima

PERSONAL SERVICE



Left a copy with a person authorized to accept service.



At this usual place of abode, I left a copy with a person of suitable age and discretion residing therein.

Name of Person Served and Relationship/Title Personally Served Barbara Frodshamon 4/5/2022 we received the following documents for service:

Summons, Complaint, Certificate of Compulsory Arbitration

Received from CADIGAN LAW FIRM, PLLC, (Lynne M. Cadigan #00944)**PROCESS SERVER:** Daniel Ronnie #039**The undersigned states: That I am a certified private process server in the county of Pima and am an Officer of the Court.****SIGNATURE OF PROCESS SERVER:** Date: 4/8/2022

Item	Amount
Service of Process	\$20.00
Mileage	\$231.00
Doc Prep Fee	\$10.00
Copies	\$14.50

Tax ID# 90-0533870

I declare under penalty of perjury that the foregoing is true and correct and was executed on this date.

Total \$275.50

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001

63 E. Pennington St., #102, Tucson, AZ 85702

2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001

Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737

Client Matter

Account # 0789

Invoice # 35853

Liddy # 398405-5

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE**

TREVER FRODSHAM,

Plaintiff(s) / Petitioner(s),

vs

STATE OF ARIZONA, et al.,

**CERTIFICATE OF SERVICE
BY PRIVATE PROCESS SERVER
Case No. S0200CV202200149**Defendant(s) / Respondent(s).**ENTITY/PERSON TO BE SERVED:** State of Arizona / Mark Brnovich**PLACE OF SERVICE:** 2005 N. Central Ave., Phoenix, AZ 85004**DATE OF SERVICE:** On the 6th day of April, 2022 at 9:22 AM County Maricopa

PERSONAL SERVICE

Left a copy with a person authorized to
accept service.At this usual place of abode, I left a copy
with a person of suitable age and discretion
residing therein.**Name of Person Served and Relationship/Title**

Served on Lisa Fischer, Lobby Receptionist.

on 04/05/2022 we received the following documents for service:

Summons | Complaint | and Certificate of Compulsory Arbitration

Received from CADIGAN LAW FIRM, PLLC, (Lynne M. Cadigan #00944)

PROCESS SERVER: Matthew Basham #8493

The undersigned states: That I am a certified private process server in the county of Maricopa and am an Officer of the Court.

SIGNATURE OF PROCESS SERVER:

Date: 4/8/2022

Item	Amount
Service of Process	\$20.00
Minimum Mileage	\$36.00
Copies	\$14.50
Doc. Prep Fee	\$10.00

Tax ID# 90-0533870

I declare under penalty of perjury that the foregoing is true
and correct and was executed on this date.

Total \$80.50

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001

63 E. Pennington St., #102, Tucson, AZ 85702

2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001

Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737

Client Matter

Account # 0789

Invoice # 35801

Liddy # 398405-2

**IN THE JUSTICE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE**

TREVER FRODSHAM,

Plaintiff(s) / Petitioner(s),

vs

STATE OF ARIZONA, et al.,

**CERTIFICATE OF SERVICE
BY PRIVATE PROCESS SERVER
Case No. S0200CV202200149**

Defendant(s) / Respondent(s).

ENTITY/PERSON TO BE SERVED: Catholic Charities Community Services, Inc.

PLACE OF SERVICE: 4747 N 7th Ave, Phoenix, AZ, 85013

DATE OF SERVICE: On the 6th day of April, 2022 at 9:00 AM County Maricopa

☐ PERSONAL SERVICE ☒ Left a copy with a person authorized to accept service. ☐ At this usual place of abode, I left a copy with a person of suitable age and discretion residing therein.

Name of Person Served and Relationship/Title

Served on Margie Leivas, Receptionist for Stephen Capobres, Statutory Agent,
who authorized service her to accept service via telephone.

on 04/05/2022 we received the following documents for service:

Summons | Complaint | and Certificate of Compulsory Arbitration.

Received from CADIGAN LAW FIRM, PLLC, (Lynne M. Cadigan #00944)

PROCESS SERVER: Floyd R. Brown #8388

The undersigned states: That I am a certified private process server in the county of Maricopa and am an Officer of the Court.

SIGNATURE OF PROCESS SERVER: Floyd R. Brown Date: 4/7/2022

Item	Amount
Service of Process	\$20.00
Minimum Mileage	\$36.00
Copies	\$14.50
Doc. Prep Fee	\$10.00

Total \$80.50

Tax ID# 90-0533870

I declare under penalty of perjury that the foregoing is true and correct and was executed on this date.

RUSING LOPEZ & LIZARDI, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800
Facsimile: (520)529-4262

Michael J. Rusing; mrusing@rllaz.com
State Bar No. 006617; PAN 50020
Mark D. Lammers; mdlammers@rllaz.com
State Bar No. 010335; PAN 330131
Sarah S. Letzkus; sletzkus@rllaz.com
State Bar No. 027314; PAN 66655
Attorneys for Defendant, State of Arizona

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

TREVER FRODSHAM, by and
through conservator, Fleming and Curti,
PLC,

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY
SERVICES OF SOUTHERN
ARIZONA, INC., an Arizona non-
profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN,
LLP, an Arizona limited liability
partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an
Arizona corporation; THE
DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCE
BEHAVIORAL HEALTH and
DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA,
a Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an
individual; JANE AND JOHN ROES 1-
50, individuals; and ROE

NO. S-0200-CV-202200149

**DEFENDANT STATE OF ARIZONA'S
REQUEST FOR IMMEDIATE ORDER**

(Assigned to Hon. Jason A. Lindstrom)

CORPORATIONS 1-50, entities of
form unknown,
Defendants.

Defendant State of Arizona (the “State”) hereby requests an immediate order changing venue to Maricopa County pursuant to A.R.S. § 12-822(B). On April 7, 2022, the State filed a Notice of Change of Venue, and requested an order transferring venue. As of today’s date, the case has not been transferred.

A.R.S. § 12-822(B) dictates that upon written demand, venue “*shall* be changed to Maricopa County.” (emphasis added).

Accordingly, the State respectfully requests the Court immediately enter the proposed order attached hereto and transfer venue of this action to Maricopa County.

DATED this 13th day of April, 2022.

RUSING LOPEZ & LIZARDI, P.L.L.C.

/s/ Mark D. Lammers

Michael J. Rusing
Mark D. Lammers
Sarah S. Letzkus
Attorneys for Defendant, State of Arizona

ORIGINAL of the foregoing e-filed
this 13th day of April, 2022

COPY e-served/emailed this 13th day of April, 2022 to:

Lynne M. Cadigan
Taylor W. Boren
Cadigan Law Firm, PLLC
504 S. Stone Ave.
Tucson, AZ 85701
lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com
Attorneys for Plaintiff

By: Aneta Wrzeszcz

RUSING LOPEZ & LIZARDI, P.L.L.C.

6363 North Swan Road, Suite 151

Tucson, Arizona 85718

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Mark D. Lammers; mdlammers@rllaz.com

State Bar No. 010335; PAN 330131

Sarah S. Letzkus; sletzkus@rllaz.com

State Bar No. 027314; PAN 66655

Attorneys for Defendant, State of Arizona

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

TREVER FRODSHAM, by and
through conservator, Fleming and Curti,
PLC,

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY
SERVICES OF SOUTHERN
ARIZONA, INC., an Arizona non-
profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN,
LLP, an Arizona limited liability
partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an
Arizona corporation; THE
DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCE
BEHAVIORAL HEALTH and
DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA,
a Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an
individual; JANE AND JOHN ROES 1-
50, individuals; and ROE

NO. S-0200-CV-202200149

[PROPOSED] ORDER TRANSFERRING
ACTION TO THE ARIZONA SUPERIOR
COURT IN MARICOPA COUNTY

(Assigned to Hon. Jason A. Lindstrom)

CORPORATIONS 1-50, entities of
form unknown,
Defendants.

The Court having reviewed Defendant State of Arizona's Notice of Change of Venue Pursuant to A.R.S. 12-822(B), and good cause appearing,

IT IS ORDERED venue is hereby transferred to the Arizona Superior Court in Maricopa County.

IT IS FURTHER ORDERED that the Clerk of the Superior Court of Cochise County shall immediately transfer the file and all other documents to the Clerk of the Superior Court in Maricopa County.

DATED this April 28, 2022.

Hon. Jason A. Lindstrom

SUPERIOR COURT, STATE OF ARIZONA, In and for the County of Cochise

TREVER FRODSHAM, by and through
conservator, Fleming and Curti, PLC;

Plaintiff,

vs

STATE OF ARIZONA, a body politic;
**CATHOLIC COMMUNITY SERVICES OF
SOUTHERN ARIZONA, INC.**, an Arizona non-
profit corporation; **ARIZONA PARTNERSHIP
FOR CHILDREN, LLP**, an Arizona limited
liability partnership; **CATHOLIC CHARITIES
COMMUNITY SERVICES, INC.**, an Arizona
corporation; **THE DEVEREUX FOUNDATION**,
d/b/a **DEVEREUX ADVANCED BEHAVIORAL
HEALTH** and **DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA**, a
Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an individual;
CLARENCE CARTER, in his personal and official
capacity as Director of the Arizona Department of
Economic Security; **VICKI MARTZKE**, in her
personal and official capacity as an employee of the
Arizona Department of Child Safety; **JANE AND
JOHN ROES 1-50**, individuals; and **ROE
CORPORATIONS 1-50**, entities of form unknown;

Defendants.

April 13, 2022

Case No.
CV202200149

File Stamp Only

2022 APR 13 PM 4:14

ORDER

HONORABLE JASON A. LINDSTROM

DIVISION FIVE

By: Lizette Reyes
Judicial Administrative Assistant

IT IS ORDERED setting a hearing on the Defendant's Request for Immediate Order **Thursday, April 14, 2022 at 11:30 a.m.** Parties may appear in person or telephonically by calling (520) 432-8480 five minutes prior to the scheduled hearing.

Emailed 4/13/2022 *OLR*

xc: Cadigan Law Firm, P.L.L.C., Esq., Attorney for Plaintiff
Rusing Lopez & Lizardi, P.L.L.C., Esq., Attorney for State of Arizona

1 John C. Kelly (SBN 012770)
Andrew T. Fox (SBN 034581)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1900
3 Phoenix, Arizona 85004
T: (602) 224-0999
4 F: (602) 224-6020
jkelly@cblawyers.com
5 afox@cblawyers.com

6 *Attorneys for Catholic Charities*
Community Services, Inc.
7

8 **SUPERIOR COURT OF ARIZONA**

9 **COUNTY OF COCHISE**

10 TREVER FRODSHAM, by and through
conservator, Fleming and Curti, PLC,
11

12 Plaintiff,
13

14 v.

15 STATE OF ARIZONA, a body politic;
16 CATHOLIC COMMUNITY SERVICES OF
SOUTHERN ARIZONA, INC., an Arizona non-
17 profit corporation; ARIZONA PARTNERSHIP
FOR CHILDREN, LLP, an Arizona limited
18 liability partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an Arizona
19 corporation; THE DEVEREUX FOUNDATION,
d/b/a DEVEREUX ADVANCED
20 BEHAVIORAL HEALTH and DEVEREUX
ADVANCED BEHAVIORAL HEALTH
21 ARIZONA, a Pennsylvania non-profit
corporation; DAVID FRODSHAM, an
22 individual; BARBARA FRODSHAM, an
individual; CLARENCE CARTER, in his
23 personal and official capacity as Director of the
Arizona Department of Economic Security;
24 VICKI MARTZKE, in her personal and official
capacity as an employee of the Arizona
Department of Child Safety; JANE and JOHN
25 ROES 1-50, individuals; and ROE
CORPORATIONS 1-50, entities of form
26 unknown,

Defendants.

No. S0200CV202200149

ACCEPTANCE OF SERVICE

1 Pursuant to Ariz. R. Civ. P. 4(f)(2), John C. Kelly, attorney for Defendant Catholic
2 Charities Community Services, Inc. (hereafter "Catholic Charities"), hereby formally accepts
3 service, on behalf of and as authorized agent of Catholic Charities, of the following documents
4 filed in or issued by the Cochise County Superior Court in this matter: Summons, First
5 Amended Complaint and Certificate of Compulsory Arbitration.

6 Undersigned counsel agrees that this matter may proceed against Catholic Charities as
7 if those documents had been personally served upon it on this date. By accepting service,
8 Catholic Charities does not waive and will keep all defenses or objections to the lawsuit, to the
9 Court's jurisdiction, and/or to venue of the action.

10 DATED this 15th day of April, 2022.

11 **COPPERSMITH BROCKELMAN PLC**

12
13 By /s/ John C. Kelly

14 John C. Kelly
Andrew T. Fox

15 *Attorneys for Catholic Charities Community*
16 *Services, Inc.*

17 ORIGINAL efiled and COPY emailed/mailed
18 this 15th day of April, 2022, to:

19 Lynne M. Cadigan
20 Taylor W. Boren
21 Cadigan Law Firm, PLLC
22 504 S. Stone Avenue
23 Tucson, AZ 85701
lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com

24 /s/ Shelly Mondavi
25
26

1 John C. Kelly (SBN 012770)
Andrew T. Fox (SBN 034581)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1900
3 Phoenix, Arizona 85004
T: (602) 224-0999
4 F: (602) 224-6020
jkelly@cblawyers.com
5 afox@cblawyers.com

6 *Attorneys for Catholic Charities*
Community Services, Inc.
7

8 **SUPERIOR COURT OF ARIZONA**

9 **COUNTY OF COCHISE**

10 TREVER FRODSHAM, by and through
conservator, Fleming and Curti, PLC,

11 Plaintiff,

12 v.

13 STATE OF ARIZONA, a body politic;
14 CATHOLIC COMMUNITY SERVICES OF
SOUTHERN ARIZONA, INC., an Arizona non-
15 profit corporation; ARIZONA PARTNERSHIP
FOR CHILDREN, LLP, an Arizona limited
16 liability partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an Arizona
17 corporation; THE DEVEREUX FOUNDATION,
d/b/a DEVEREUX ADVANCED
18 BEHAVIORAL HEALTH and DEVEREUX
ADVANCED BEHAVIORAL HEALTH
19 ARIZONA, a Pennsylvania non-profit
corporation; DAVID FRODSHAM, an
20 individual; BARBARA FRODSHAM, an
individual; CLARENCE CARTER, in his
21 personal and official capacity as Director of the
Arizona Department of Economic Security;
22 VICKI MARTZKE, in her personal and official
capacity as an employee of the Arizona
23 Department of Child Safety; JANE and JOHN
ROES 1-50, individuals; and ROE
24 CORPORATIONS 1-50, entities of form
unknown,

25 Defendants.
26

No. S0200CV202200149

NOTICE OF APPEARANCE

1 Pursuant to Rule 5.3(a)(1)(A), Ariz. R. Civ. P., John C. Kelly and Andrew T. Fox of
2 Coppersmith Brockelman PLC hereby enter their appearance as attorneys of record for
3 Defendant Catholic Charities Community Services, Inc. and request service of all
4 correspondence, motions, orders, and other papers, to:

5 John C. Kelly
6 Andrew T. Fox
7 Coppersmith Brockelman PLC
8 2800 North Central Avenue, Suite 1900
9 Phoenix, Arizona 85004
10 jkelly@cblawyers.com
11 afox@cblawyers.com

12 DATED this 15th day of April, 2022.

13 **COPPERSMITH BROCKELMAN PLC**

14 By /s/ John C. Kelly

15 John C. Kelly
16 Andrew T. Fox

17 *Attorneys for Catholic Charities Community
18 Services, Inc.*

19 ORIGINAL efiled and COPY emailed/mailed
20 this 15th day of April, 2022, to:

21 Lynne M. Cadigan
22 Taylor W. Boren
23 Cadigan Law Firm, PLLC
24 504 S. Stone Avenue
25 Tucson, AZ 85701
26 lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com

/s/ Shelly Mondavi

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001

63 E. Pennington St., #102, Tucson, AZ 85702

2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001

Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737

Client Matter

Account # 0789

Invoice # 36623

Liddy # 398405-3

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE****TREVER FRODSHAM,****Plaintiff(s) / Petitioner(s),**

vs

**CERTIFICATE OF SERVICE
BY PRIVATE PROCESS SERVER
Case No. S0200CV202200149****STATE OF ARIZONA, et al.,****Defendant(s) / Respondent(s).****ENTITY/PERSON TO BE SERVED:** Catholic Community Services of Southern Arizona, Inc. c/o Gerard R. O'Meara**PLACE OF SERVICE:** 1 S. Church Ave., #1900, Tucson, AZ 85701**DATE OF SERVICE:** On the 13th day of April, 2022 at 12:50 PM County Pima☐

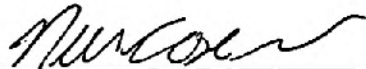
PERSONAL SERVICE

☒Left a copy with a person authorized to
accept service.☐At this usual place of abode, I left a copy
with a person of suitable age and discretion
residing therein.**Name of Person Served and Relationship/Title**

Gerald O'Meara, Statutory Agent, authorized to receive and accept service of process.

on 4/5/2022 we received the following documents for service:

Summons, Complaint, Certificate of Compulsory Arbitration

Received from CADIGAN LAW FIRM, PLLC, (Lynne M. Cadigan #00944)**PROCESS SERVER:** Nickolas Costello #640**The undersigned states: That I am a certified private process server in the county of Pima and am an Officer of the Court.****SIGNATURE OF PROCESS SERVER:**Date: 4/19/2022

Item	Amount
Service of Process	\$20.00
Minimum Mileage	\$36.00
Doc Prep Fee	\$10.00
Copies	\$14.50

Tax ID# 90-0533870I declare under penalty of perjury that the foregoing is true
and correct and was executed on this date.**Total \$80.50**

Filed on 4/21/2022 9:42:03 AM

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
In and for the County of Cochise

JUDGE: HONORABLE JASON A. LINDSTROM
DIVISION: FIVE
COURT REPORTER: LIBERTY DIGITAL
INTERPRETER: NONE

AMY J. HUNLEY, Clerk of the Superior Court
 by: MARCIE FADER (4/21/2022), Deputy Clerk

HEARING DATE: 04/14/2022

**TREVER FRODSHAM, by and through conservator,
 Fleming and Curti, PLC**
 Plaintiff,
 VS.

CASE NO: S0200CV202200149

MINUTE ENTRY: CHANGE OF VENUE

HEARING START TIME: 11:38 AM
HEARING END TIME: 11:43 AM

**STATE OF ARIZONA, a body politic; CATHOLIC
 COMMUNITY SERVICES OF SOUTHERN ARIZONA,
 INC., an Arizona non-profit corporation; ARIZONA
 PARTNERSHIP FOR CHILDREN, LLP, an Arizona
 limited liability partnership; CATHOLIC CHARITIES
 COMMUNITY SERVICES, INC., an Arizona corporation;
 THE DEVEREUX FOUNDATION d/b/a DEVEREUX
 ADVANCE BEHAVIORAL HEALTH and DEVEREUX
 ADVANCED BEHAVIORAL HEALTH ARIZONA, a
 Pennsylvania non-profit corporation; DAVID
 FRODSHAM, an individual; BARBARA FRODSHAM, an
 individual; CLARENCE CARTER, in his personal and
 official capacity as Director of the Arizona Department of
 Economic Security; VICKI MARTZKE, in her personal
 and official capacity as an employee of the Arizona
 Department of Child Safety; JANE AND JOHN ROES 1-
 50, individuals; and ROE CORPORATIONS 1-50, entities
 of form unknown,**

Defendants.

Plaintiff not present in person but by: Lynne Cadigan, Esquire and Taylor Boren, Esquire
Defendant not present in person but by: Mark Lammers, Esquire

This matter came before the Court this date for a hearing on Defendant State of Arizona's Notice of Change of Venue.

Upon invitation of the Court, Mr. Lammers presented argument in support of the change of venue.

Ms. Cadigan presented response to Defendant's argument.

IT IS ORDERED transferring venue of this matter to Maricopa County Superior Court.

The Court advised counsel it would execute the form of order after proceedings.

xc: e-mailed (e) by: mlf date: 4/21/2022

☒Lynne Cadigan, Esq.(e): lmcadigan@cadiganlawfirm.com ☒Taylor Boren, Esq.(e): tboren@cadiganlawfirm.com ☒Mark Lammers, Esq.(e):
mdlammers@rllaz.com ☒Sara Letzkus, Esq.(e): sletzkus@rllaz.com ☒Michael Rusing, Esq.(e): mrusing@rllaz.com ☒John C. Kelly, Esq. (e)
 ☒Andrew Fox, Esq.(e) ☒Court Administration (e) ☒DIV 5 JAA (e)

To help protect against the spread of COVID-19, effective May 25, 2021, the Courts are strongly recommending that all visitors wear a mask or other face covering if they have not been fully vaccinated or wish to for their own personal safety. Additionally, the Courts and its offices may require wellness screenings to include using touchless thermometers. Please do not visit the courthouse if you are ill. Contact your attorney or the Courts to reschedule your court appearance or to request a telephonic appearance.

Lynne M. Cadigan (AZ #009044)
 Taylor W. Boren (AZ #037414)
CADIGAN LAW FIRM, PLLC
 504 S. Stone Avenue
 Tucson, AZ 85701
 Telephone: (520) 622-6066
 Facsimile: (520) 882-4373
lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com

Attorneys for Plaintiff Trever Frodsham

ARIZONA SUPERIOR COURT
COCHISE COUNTY

TREVER FRODSHAM, by and through
 conservator, Fleming and Curti, PLC;

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
 CATHOLIC COMMUNITY SERVICES OF
 SOUTHERN AIZONA, INC., an Arizona
 non-profit corporation; ARIZONA
 PARTNERSHIP FOR CHILDREN, LLP, an
 Arizona limited liability partnership;
 CATHOLIC CHARITIES COMMUNITY
 SERVICES, INC., an Arizona corporation;
 THE DEVEREUX FOUNDATION, d/b/a
 DEVEREUX ADVANCED BEHAVIORAL
 HEALTH and DEVEREUX ADVANCED
 BEHAVIORAL HEALTH ARIZONA, a
 Pennsylvania non-profit corporation; DAVID
 FRODSHAM, an individual; BARBARA
 FRODSHAM, an individual; CLARENCE
 CARTER, in his personal and official
 capacity as Director of the Arizona
 Department of Economic Security; VICKI
 MARTZKE, in her personal and official
 capacity as an employee of the Arizona
 Department of Child Safety; JANE and JOHN
 ROES 1-50, individuals; and ROE
 CORPORATIONS 1-50, entities of form
 unknown;

Defendants.

Case No. S0200CV202200149

SUMMONS

1 **THE STATE OF ARIZONA TO:**

2 **CLARENCE CARTER**

3
4 **YOU ARE HEREBY SUMMONED** and required to appear and defend, within the
5 time applicable, in this action in this Court. If served within Arizona - whether by direct
6 service, by registered or certified mail, or by publication - you shall appear and defend
7 within twenty (20) days after the service of the Summons and Complaint upon you is
8 complete, exclusive of the day of service. If served out of the State of Arizona - whether by
9 direct service, by registered or certified mail, or by publication - you shall appear and defend
10 within thirty (30) days after the service of the Summons and Complaint upon you is
11 complete, exclusive of the day of service. Direct service is complete when made. A.R.C.P.
12 4; A.R.S. Section 20-222, 28-502, 28-503.

13
14
15 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and defend
16 within the time applicable, judgment by default may be rendered against you for the relief
17 demanded in the Complaint.

18
19 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an
20 Answer or proper response in writing with the Clerk of this Court, accompanied by the
21 necessary filing fee, within the time required, and you are required to serve a copy of any
22 Answer or response upon the Plaintiffs' attorney. R.C.P. 10(d); A.R.S. Section 12-311;
23 A.R.C.P. 5.

24
25 A copy of the pleading being served may be obtained from the Clerk of the Superior
26 Court, 100 Quality Hill Rd #104, Bisbee, AZ 85603.
27
28

1 **YOU ARE HEREBY NOTIFIED** that requests for reasonable accommodation for
2 persons with disabilities must be made to the division assigned to the case by parties at least
3 three (3) judicial days in advance of a scheduled court proceeding.
4

5 The name and address of Plaintiff is:

6
7 Lynne M. Cadigan, Esq.
8 CADIGAN LAW FIRM, PLLC
9 504 South Stone Avenue
 Tucson, Arizona 85701
 Phone: (520) 622-6066

10 **ADA Notification**

11 (Notificacion de la Ley sobre Estadounidenses con Discapacidades)

12 Requests for reasonable accommodation for persons with disabilities must be made
13 to the court by parties at least three (3) working days in advance of a scheduled court
proceeding.

14 (Las partes deberan presentar a la corte las solicitudes para acomodar de manera
15 razonable a personas con discapacidades por lo menos tres (3) dias habiles antes de un
procedimiento judicial regular.)

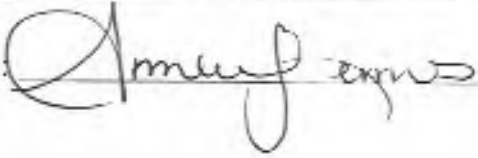
16 **Interpreter Notification**
17 (Notificacion de Interprete)

18 Requests for an interpreter for persons with limited English proficiency must be
made to the office of the judge or commissioner assigned to the case by parties at least ten
19 (10) judicial days in advance of a scheduled court proceeding.

20 (Las solicitudes de interprete para personas con dominio limitado del idioma ingles
deben hacerse a la oficina del juez o comisionado asignado al caso por las partes por lo
21 menos diez (10) dias judiciales antes de un procedimiento judicial regular.)

22 SIGNED AND SEALED THIS DATE: 4/22/22

23 CLERK: AMY J HUNLEY

24 DEPUTY CLERK: 

Lynne M. Cadigan (AZ #009044)
Taylor W. Boren (AZ #037414)
CADIGAN LAW FIRM, PLLC
504 S. Stone Avenue
Tucson, AZ 85701
Telephone: (520) 622-6066
Facsimile: (520) 882-4373
lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com

Attorneys for Plaintiff Trever Frodsham

FILED

2022 APR 22 PM 12:49

AMY J. HINLEY
CLERK OF SUPERIOR COURT
BY **Bl**
DEPUTY

ARIZONA SUPERIOR COURT
COCHISE COUNTY

TREVER FRODSHAM, by and through
conservator, Fleming and Curti, PLC;

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY SERVICES OF
SOUTHERN AIZONA, INC., an Arizona
non-profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN, LLP, an
Arizona limited liability partnership;
CATHOLIC CHARITIES COMMUNITY
SERVICES, INC., an Arizona corporation;
THE DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCED BEHAVIORAL
HEALTH and DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA, a
Pennsylvania non-profit corporation; DAVID
FRODSHAM, an individual; BARBARA
FRODSHAM, an individual; CLARENCE
CARTER, in his personal and official
capacity as Director of the Arizona
Department of Economic Security; VICKI
MARTZKE, in her personal and official
capacity as an employee of the Arizona
Department of Child Safety; JANE and JOHN
ROES 1-50, individuals; and ROE
CORPORATIONS 1-50, entities of form
unknown;

Defendants.

Case No. S0200CV202200149

SUMMONS

1 **THE STATE OF ARIZONA TO:**

2 **VICKI MARTZKE**

3 **YOU ARE HEREBY SUMMONED** and required to appear and defend, within the
4 time applicable, in this action in this Court. If served within Arizona - whether by direct
5 service, by registered or certified mail, or by publication - you shall appear and defend
6 within twenty (20) days after the service of the Summons and Complaint upon you is
7 complete, exclusive of the day of service. If served out of the State of Arizona - whether by
8 direct service, by registered or certified mail, or by publication - you shall appear and defend
9 within thirty (30) days after the service of the Summons and Complaint upon you is
10 complete, exclusive of the day of service. Direct service is complete when made. A.R.C.P.
11 4; A.R.S. Section 20-222, 28-502, 28-503.

12 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and defend
13 within the time applicable, judgment by default may be rendered against you for the relief
14 demanded in the Complaint.

15 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an
16 Answer or proper response in writing with the Clerk of this Court, accompanied by the
17 necessary filing fee, within the time required, and you are required to serve a copy of any
18 Answer or response upon the Plaintiffs' attorney. R.C.P. 10(d); A.R.S. Section 12-311;
19 A.R.C.P. 5.

20 A copy of the pleading being served may be obtained from the Clerk of the Superior
21 Court, 100 Quality Hill Rd #104, Bisbee, AZ 85603.

YOU ARE HEREBY NOTIFIED that requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least three (3) judicial days in advance of a scheduled court proceeding.

The name and address of Plaintiff is:

Lynne M. Cadigan, Esq.
CADIGAN LAW FIRM, PLLC
504 South Stone Avenue
Tucson, Arizona 85701
Phone: (520) 622-6066

ADA Notification

(Notificacion de la Ley sobre Estadounidenses con Discapacidades)

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three (3) working days in advance of a scheduled court proceeding.

(Las partes deberan presentar a la corte las solicitudes para acomodar de manera razonable a personas con discapacidades por lo menos tres (3) dias habiles antes de un procedimiento judicial regular.)

Interpreter Notification

(Notificacion de Interprete)

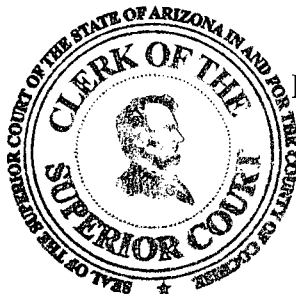
Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case by parties at least ten (10) judicial days in advance of a scheduled court proceeding.

(Las solicitudes de interprete para personas con dominio limitado de! idioma ingles deben hacerse a la oficina de! juez o comisionado asignado al caso por las partes por lo menos diez (10) dias judiciales antes de un procedimfento judicial regular.)

SIGNED AND SEALED THIS DATE: 4/22/2022

CLERK: AMY J HUNLEY

DEPUTY CLERK: *[Signature]*



RUSING LOPEZ & LIZARDI, P.L.L.C.

6363 North Swan Road, Suite 151

Tucson, Arizona 85718

Telephone: (520) 792-4800

Facsimile: (520)529-4262

Michael J. Rusing; mrusing@rllaz.com

State Bar No. 006617; PAN 50020

Mark D. Lammers; mdlammers@rllaz.com

State Bar No. 010335; PAN 330131

Sarah S. Letzkus; sletzkus@rllaz.com

State Bar No. 027314; PAN 66655

Attorneys for Defendant, State of Arizona

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

TREVER FRODSHAM, by and
through conservator, Fleming and Curti,
PLC,

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY
SERVICES OF SOUTHERN
ARIZONA, INC., an Arizona non-
profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN,
LLP, an Arizona limited liability
partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an
Arizona corporation; THE
DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCE
BEHAVIORAL HEALTH and
DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA,
a Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an
individual; JANE AND JOHN ROES 1-
50, individuals; and ROE

NO. S-0200-CV-202200149

ORDER TRANSFERRING ACTION TO
THE ARIZONA SUPERIOR COURT IN
MARICOPA COUNTY

(Assigned to Hon. Jason A. Lindstrom)

1 CORPORATIONS 1-50, entities of
2 form unknown,
3 Defendants.

4 The Court having reviewed Defendant State of Arizona's Notice of Change of Venue
5 Pursuant to A.R.S. 12-822(B), and good cause appearing,

6 IT IS ORDERED venue is hereby transferred to the Arizona Superior Court in
7 Maricopa County.

8 IT IS FURTHER ORDERED that the Clerk of the Superior Court of Cochise County
9 shall immediately transfer the file and all other documents to the Clerk of the Superior Court
10 in Maricopa County.

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25



Signed by JASON A. ROBERTSON 04/15/2022 15:55:25 -MDW/T

Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Telephone: (520) 792-4800

THE RUSSELL'S LAW FIRM, PLC
202 E. WILCOX DR.
SIERRA VISTA, AZ 85635
Tel: (520)458-7246
By: D. Christopher Russell
State Bar No. 022674
courtdocs@russellslawfirm.com
Attorney for Defendant Barbara Frodsham

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

TREVER FRODSHAM, by and through
Conservator, Fleming and Curti, PLC;

Case No.: CV202200149

Plaintiff,

v.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY SERVICES OF
SOUTHERN ARIZONA, INC., an Arizona
non-profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN, LLP, an
Arizona limited liability partnership;
CATHOLIC CHARITIES COMMUNITY
SERVICES, INC., an Arizona corporation;
THE DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCED BEHAVIORAL
HEALTH and DEVEREUX ADV A CEO
BEHAVIORAL HEALTH ARIZONA, a
Pennsylvania non-profit corporation; DAVID
FRODSHAM, an individual; BARBARA
FRODSHAM, an individual; CLISNCE
CARTER, in his personal and official capacity
as Director of the Arizona Department of
Economic Security; VICKI MARTZKE in her
personal and official capacity as an employee
of the Arizona Department of Child Safety;
JANE and JOHN DOES 1-50 individuals; and
ROE CORPORATIONS 1-50, entities of form
unknown;

NOTICE OF APPEARANCE

Hon.

Defendants.

D. Christopher Russell of The Russell's Law Firm, PLC, hereby enters an appearance on
behalf of the above-named Defendant, Barbara Frodsham, for all purposes, including through

1 appeal, if necessary.

2 DATED this 26th day of April, 2022.

3
4 By: /s/ D. Christopher Russell
5 D. Christopher Russell
6 Attorney for Defendant Barbara Frodsham

7 A copy of the foregoing has been
8 emailed this ____ day of July, 2021,
9 Pursuant to A.R.C.P. 5(c)(2)(D) to:

10 Lynne M. Cadigan
11 Taylor W. Boren
12 Cadigan Law Firm, P.L.L.C.
13 504 South Stone Avenue
14 Tucson, Arizona 85701
15 Telephone: (520) 622-6066
16 Facsimile: (520) 882-4373
17 Email: lmcadigan@gmail.com
18 Email: tboren@cadiganlawfirm.com
19 Attorneys for Plaintiff
20 By: ____
21
22
23
24
25
26
27
28

1 Lynne M. Cadigan (AZ #009044)
2 Taylor W. Boren (AZ #037414)
3 **CADIGAN LAW FIRM, PLLC**
4 504 S. Stone Avenue
5 Tucson, AZ 85701
6 Telephone: (520) 622-6066
7 Facsimile: (520) 882-4373
8 lmcadigan@cadiganlawfirm.com
9 tboren@cadiganlawfirm.com

10 *Attorneys for Plaintiff Trever Frodsham*

11 **ARIZONA SUPERIOR COURT**

12 **COCHISE COUNTY**

13 TREVER FRODSHAM, by and through
14 conservator, Fleming and Curti, PLC;

15 Plaintiff,

16 vs.

No. S0200CV202200149

17 **ACCEPTANCE OF SERVICE**

18 STATE OF ARIZONA, a body politic;
19 CATHOLIC COMMUNITY SERVICES
20 OF SOUTHERN AIZONA, INC., an
21 Arizona non-profit corporation; ARIZONA
22 PARTNERSHIP FOR CHILDREN, LLP,
23 an Arizona limited liability partnership;
24 CATHOLIC CHARITIES COMMUNITY
25 SERVICES, INC., an Arizona corporation;
26 THE DEVEREUX FOUNDATION, d/b/a
27 DEVEREUX ADVANCED
28 BEHAVIORAL HEALTH and
BEHAVIORAL HEALTH ARIZONA, a
Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an individual;
CLARENCE CARTER, in his personal and
official capacity as Director of the Arizona
Department of Economic Security; VICKI
MARTZKE, in her personal and official
capacity as an employee of the Arizona
Department of Child Safety; JANE and
JOHN ROES 1-50, individuals; and ROE

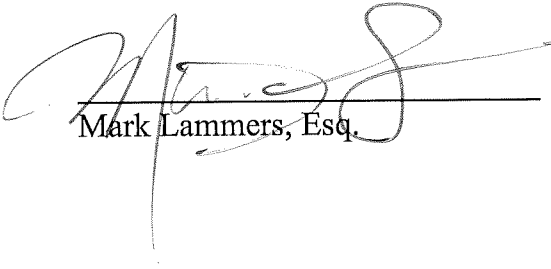
1 CORPORATIONS 1-50, entities of form
2 unknown;

3 Defendants.

4
5 I, Mark Lammers, Esq., attorney for Clarence Carter, hereby acknowledge that I
6 have received a copy of the following documents in connections with the above-
7 captioned civil action and I hereby accept service of the same on behalf of the Defendant:

- 8 1. Summons,
9 2. Complaint; and
10 3. First Amended Complaint

11 DATED this 4th day of May, 2022.

12
13 
14 Mark Lammers, Esq.
15
16
17
18
19
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26
27
28

Lynne M. Cadigan (AZ #009044)
 Taylor W. Boren (AZ #037414)
CADIGAN LAW FIRM, PLLC
 504 S. Stone Avenue
 Tucson, AZ 85701
 Telephone: (520) 622-6066
 Facsimile: (520) 882-4373
lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com

Attorneys for Plaintiff Trever Frodsham

ARIZONA SUPERIOR COURT

COCHISE COUNTY

TREVER FRODSHAM, by and through
 conservator, Fleming and Curti, PLLC;

Case No. S0200CV202200149

Plaintiff,

vs.

SUMMONS

STATE OF ARIZONA, a body politic;
 CATHOLIC COMMUNITY SERVICES OF
 SOUTHERN AIZONA, INC., an Arizona
 non-profit corporation; ARIZONA
 PARTNERSHIP FOR CHILDREN, LLP, an
 Arizona limited liability partnership;
 CATHOLIC CHARITIES COMMUNITY
 SERVICES, INC., an Arizona corporation;
 THE DEVEREUX FOUNDATION, d/b/a
 DEVEREUX ADVANCED BEHAVIORAL
 HEALTH and DEVEREUX ADVANCED
 BEHAVIORAL HEALTH ARIZONA, a
 Pennsylvania non-profit corporation; DAVID
 FRODSHAM, an individual; BARBARA
 FRODSHAM, an individual; CLARENCE
 CARTER, in his personal and official
 capacity as Director of the Arizona
 Department of Economic Security; VICKI
 MARTZKE, in her personal and official
 capacity as an employee of the Arizona
 Department of Child Safety; JANE and JOHN
 ROES 1-50, individuals; and ROE
 CORPORATIONS 1-50, entities of form
 unknown;

Defendants.

1 THE STATE OF ARIZONA TO:

2 CLARENCE CARTER

3
4 YOU ARE HEREBY SUMMONED and required to appear and defend, within the
5 time applicable, in this action in this Court. If served within Arizona - whether by direct
6 service, by registered or certified mail, or by publication - you shall appear and defend
7 within twenty (20) days after the service of the Summons and Complaint upon you is
8 complete, exclusive of the day of service. If served out of the State of Arizona - whether by
9 direct service, by registered or certified mail, or by publication - you shall appear and defend
10 within thirty (30) days after the service of the Summons and Complaint upon you is
11 complete, exclusive of the day of service. Direct service is complete when made. A.R.C.P.
12 4; A.R.S. Section 20-222, 28-502, 28-503.

13
14
15 YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend
16 within the time applicable, judgment by default may be rendered against you for the relief
17 demanded in the Complaint.

18
19 YOU ARE CAUTIONED that in order to appear and defend, you must file an
20 Answer or proper response in writing with the Clerk of this Court, accompanied by the
21 necessary filing fee, within the time required, and you are required to serve a copy of any
22 Answer or response upon the Plaintiffs' attorney. R.C.P. 10(d); A.R.S. Section 12-311;
23 A.R.C.P. 5.

24
25 A copy of the pleading being served may be obtained from the Clerk of the Superior
26 Court, 100 Quality Hill Rd #104, Bisbee, AZ 85603.
27
28

1 **YOU ARE HEREBY NOTIFIED** that requests for reasonable accommodation for
2 persons with disabilities must be made to the division assigned to the case by parties at least
3 three (3) judicial days in advance of a scheduled court proceeding.
4

5 The name and address of Plaintiff is:

6
7 Lynne M. Cadigan, Esq.
8 CADIGAN LAW FIRM, PLLC
9 504 South Stone Avenue
 Tucson, Arizona 85701
 Phone: (520) 622-6066

10 **ADA Notification**

11 (Notificación de la Ley sobre Estadounidenses con Discapacidades)

12 Requests for reasonable accommodation for persons with disabilities must be made
13 to the court by parties at least three (3) working days in advance of a scheduled court
proceeding.

14 (Las partes deberán presentar a la corte las solicitudes para acomodar de manera
15 razonable a personas con discapacidades por lo menos tres (3) días hábiles antes de un
procedimiento judicial regular.)

16 **Interpreter Notification**
17 (Notificación de Interpreté)

18 Requests for an interpreter for persons with limited English proficiency must be
made to the office of the judge or commissioner assigned to the case by parties at least ten
(10) judicial days in advance of a scheduled court proceeding.

19 (Las solicitudes de interprete para personas con dominio limitado del idioma ingles
20 deben hacerse a la oficina del juez o comisionado asignado al caso por las partes por lo
menos diez (10) días judiciales antes de un procedimiento judicial regular.)

21
22 SIGNED AND SEALED THIS DATE: 4/22/22

23 CLERK: AMY J HUNLEY

24 DEPUTY CLERK: 

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001

63 E. Pennington St., #102, Tucson, AZ 85702

2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001

Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737

Client Matter

Account # 0789

Invoice #

Liddy # 400064-1

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE****TREVER FRODSHAM**, by and through conservator, Fleming and
Curti, PLC;

Plaintiff(s) / Petitioner(s),

vs

STATE OF ARIZONA, a body politic, et al.,

Defendant(s) / Respondent(s).

**CERTIFICATE OF SERVICE
BY PRIVATE PROCESS SERVER**
Case No. S0200CV202200149**ORIGINAL****ENTITY/PERSON TO BE SERVED:** Vicki Jean Martzke**PLACE OF SERVICE:** 2341 N. Sunset Avenue, Benson, AZ 85602**DATE OF SERVICE:** On the 28th day of April, 2022 at 4:40 PM County Pima

PERSONAL SERVICE

Left a copy with a person authorized to
accept service.At this usual place of abode, I left a copy
with a person of suitable age and discretion
residing therein.

Name of Person Served and Relationship/Title

Personally Served Vicki Jean Martzke

on 4/25/2022 we received the following documents for service:

Summons, First Amended Complaint, Certificate of Compulsory Arbitration

Received from CADIGAN LAW FIRM, PLLC, (Lynne M. Cadigan #00944)

PROCESS SERVER: Daniel Ronnie #039

The undersigned states: That I am a certified private process server in the county of Pima and am an Officer of the Court.

SIGNATURE OF PROCESS SERVER:

Date: 4/29/2022

Item	Amount
Service of Process	\$20.00
Mileage	\$165.00
Doc Prep Fee	\$10.00
Copies	\$14.00

Total \$209.00

Tax ID# 90-0533870

I declare under penalty of perjury that the foregoing is true
and correct and was executed on this date.



**Cochise County
Clerk of the Superior Court**

Public Programs...Personal Service
www.cochise.az.gov

FILED

2022 MAY -5 AM 11:02

AMY J. HUNLEY
Clerk of the Superior Court
Jury Commissioner

DANIEL VERTREES
Chief Deputy Clerk

VACANT
Assistant Jury Commissioner

May 5, 2022

Honorable Jeff Fine
Clerk of the Superior Court
Maricopa County
201 W. Jefferson Street
Phoenix, AZ 85003

Re: The case of **TREVER FRODSHAM VS STATE OF ARIZONA ET AL...**
Cochise County Case Number: S0200CV202200149

Clerk Fine,

Enclosed you will find the original documents filed in the subject matter being transferred to your court pursuant to the Order transferring venue entered on April 25th, 2022.

Respectfully,



Bran Miller
Operations Supervisor

Cc: File

Bisbee
100 Quality Hill
PO Drawer CK
Bisbee, Arizona 85603
520-432-8600

Sierra Vista
100 Colonia de Salud, Suite 200
Sierra Vista, Arizona 85635
520-803-3060

Assistant Jury Commissioner
PO Drawer DE
Bisbee, Arizona 85603
520-432-8585
ccjc@courts.az.gov

Case Number **50200CV202200149**
 Court Type **CIVIL**
 Case Category **CIVIL**
 Case Type **TORT NON-MOTOR VEHICLE**
 Case Sub Type **NEGLIGENCE**
 Judge Group **DIVISION V**

Filing Date **03/29/2022 07:35 AM**
 Filing Type **EFILING**
 Case Status **OPEN**
 Case Status Date **03/29/2022**
 Case Judge **JASON A. LINDSTROM**
 Judge Asgmt. Date **03/30/2022**

TREVER FRODSHAM
 PLAINTIFF
 vs
 STATE OF ARIZONA et al.
 DEFENDANT

Sealed Case ☐ Restricted Case ☐ Jury Trial Requested ☐ Complex ☐ Remove From Public Access ☐

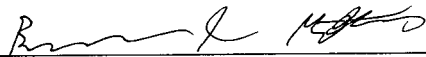
Date Stamped	Party	Description	Comment	User ID
4/26/2022	FRODSHAM, BARBARA	NOTICE: Appearance	D. CHRISTOPHER RUSSELL ENTERS AN APPEARANCE ON BEHALF OF DEFENDANT	JAGUILERA
4/25/2022		ORDER: TRANSFER	ORDER TRANSFERRING ACTION TO THE ARIZONA SUPERIOR COURT IN MARICOPA COUNTY	APICKETT
4/22/2022	STATE OF ARIZONA	SUMMONS: SUMMONS		BHERNAND
4/22/2022	STATE OF ARIZONA	SUMMONS: SUMMONS		BHERNAND
4/21/2022	FRODSHAM, TREVER	CERTIFICATE: OF SERVICE		ALEMUS
4/15/2022	CATHOLIC CHARITIES COMMUNITY SERVICES, INC	SERVICE: ACCEPTANCE		SBHOGAL
4/15/2022	CATHOLIC CHARITIES COMMUNITY SERVICES, INC	NOTICE: Appearance		SBHOGAL
4/14/2022	FRODSHAM, TREVER ET AL.	MINUTE ENTRY: MINUTE ENTRY (STANDARD) CIVIL		MFADER
4/13/2022	FRODSHAM, TREVER	ORDER: SETTING	HEARING ON DEFENDANT'S REQUEST FOR IMMEDIATE ORDER THURSDAY, APRIL 14, 2022 AT 11:30 A.M.	BHERNAND
4/13/2022	STATE OF ARIZONA	REQUEST: Request	DEFENDENT STATE OF ARIZONA'S REQUEST FOR IMMEDIATE ORDER	SBHOGAL
4/12/2022	FRODSHAM, TREVER	CERTIFICATE: OF SERVICE	SERVED ON MARGIE LEIVAS, RECEPTIONIST FOR STEPHEN CAPOBRES, SATUTORY AGENT	JAGUILERA
4/11/2022	FRODSHAM, TREVER	CERTIFICATE: OF SERVICE		APICKETT
4/11/2022	FRODSHAM, TREVER	SERVICE: Certificate		APICKETT
4/8/2022	FRODSHAM, TREVER	SERVICE: Certificate		APICKETT
4/8/2022	FRODSHAM, TREVER	MISCELLANEOUS: Attachments		JBELAIR
4/8/2022	FRODSHAM, TREVER	MISCELLANEOUS: Attachments		JBELAIR
4/8/2022	FRODSHAM, TREVER	COMPLAINT: AMENDED COMPLAINT		JBELAIR
4/7/2022	STATE OF ARIZONA	NOTICE: Filing Change of Venue		BHERNAND
4/7/2022	STATE OF ARIZONA	NOTICE: Appearance	ATTORNEY FOR DEFENDANT	BHERNAND
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	SUMMONS: SUMMONS		APICKETT
3/29/2022	FRODSHAM, TREVER	ARBITRATION: CERTIFICATE OF COMPULSORY ARBITRATION - IS NOT SUBJECT TO		APICKETT
3/29/2022	FRODSHAM, TREVER	MISCELLANEOUS: Attachments		APICKETT
3/29/2022	FRODSHAM, TREVER	MISCELLANEOUS: Attachments		APICKETT
3/29/2022	FRODSHAM, TREVER	COMPLAINT: Complaint		APICKETT

I, AMY J HUNLEY, Clerk of the Cochise County Superior Court, do hereby certify that the enclosed documents are the originals filed under the docket of Case No. S0200CV202200149 as shown above.

Witness my hand and the seal of this Court this 5th day of May, 2022.

AMY J HUNLEY
Clerk of the Cochise County Superior Court



by: 
Bran Miller
Operations Supervisor